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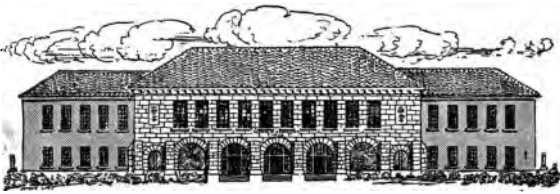
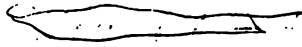
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State Intervention in English Education

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Glasgow: 50, WELLINGTON STREET.



**Leipzig: F. A. BROCKHAUS.
New York: THE MACMILLAN COMPANY.
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A Short History from
the Earliest Times down to 1833

by

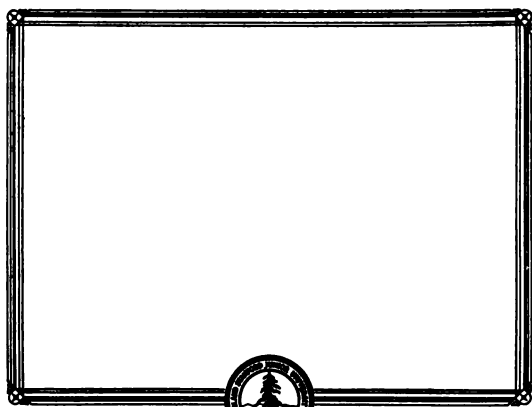
J. E. G. DE MONTMORENCY, B.A., LL.B.,
of St Peter's College, Cambridge,
and of the Middle Temple, Barrister-at-Law

CAMBRIDGE:
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"Mais à la vérité je n'y entens sinon cela que la plus grande difficulté et importance de l'humaine science semble estre en cét endroit où il se traite de la nourriture et institution des enfans."

MICHEL DE MONTAIGNE à MADAME DIANE DE FOIX,
Les Essais, livre premier, chap. xxv.

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PREFACE.

THE collection of materials for a history of State-aided Education in England from the date of the first Government Grant in 1833 to the passing of the Elementary Education Act, 1870, showed that such a history would be, to a great extent, meaningless unless there were available for constant reference a work dealing with the earlier relationship of the State and Education in England. Strangely enough there appeared to be no satisfactory book of reference on this important subject, and it seemed, therefore, desirable to produce the simple record of historical facts contained in this volume.

It is certainly a matter for surprise that no historian has considered the history of Education in England a subject of sufficient importance to justify the prolonged research that such an undertaking, if adequately carried out, would involve. Had such a history been produced seventy years ago, England would have been spared some, at least, of her present educational troubles. Many of the mistakes of fact, many of the errors in policy that crowd into view when we survey the

educational history of those years appear to have been directly due to the neglect of the historical aspect of National Education. The repetition of errors is inevitable if the record of the past is neglected. England is still suffering from the neglect of the warnings and lessons of the political history of Education.

To the student of the history of English Education one fact stands out against the background of the past with painful clearness. Had it not been for the limited historical knowledge, the uncertain policy, the political jealousies of those into whose hands was committed the up-bringing of the people, England at the present moment would have possessed a matchless educational system naturally graduated by the intellectual capacity of youth. But statesmen of the first rank throughout the nineteenth century either refused to regard, or were unable to present, National Education as a national problem of the first order. From Mr Whitbread's Bill of 1807 to Mr Forster's Act of 1870 is a far cry, and it is not too much to suppose, had the essential importance of National Education been recognised by the great leaders of the country, that at any intermediate date a national scheme would have been forthcoming, and that the country would not have had to wait until 1870 for the adoption of a scheme which, originally proposed in 1816, in 1816 would have answered its purpose.

But, after all, the fault of wasted opportunities lies ultimately with the electorate. The subject of Education has never really interested the voting class, and it will never interest them until they realize that Education is a national matter of vast importance, apart altogether from the question

of taxes and rates. The British citizen is, by habit of mind, unable to regard with concern local politics or parochial expenditure. The members of local governing bodies are the representatives of political organizations, and are not elected by any considerable number of voters. The voting class regard local bodies as the machine for rate-collecting and dismiss Education as the name of one among many rates, as an aspect of an inevitable and uninteresting burden that is ever with them. If once it is realized that Education is an Imperial question and one that will vitally affect the near future of the Empire, it will rank in interest with those problems of foreign affairs which so vividly occupy the average Englishman. He will, however, never grasp the Imperial character of the Education question until the history of Education in the British Empire is brought home to him ; until he appreciates the part that Education has played in the making of the Empire, and so realizes the personal importance of the subject to him and to his children.

Within the last few years a new school of thought on the subject of National Education has arisen, and the work of reconstruction and organization has been taken up in earnest by statesmen and specialists. The scientific treatment of this complex and intricate economic question is now assured, and among its manifold aspects that are receiving consideration history is included. We may, therefore, confidently believe that in the near future an exhaustive history of English Education will be produced, and that the subject will take its due place in the minds of men. This volume is but a foot-note, as it were, to that great subject. The aim of the author has been the aggregation in a convenient shape of facts

hitherto widely scattered and in some cases only contained in books and documents that are difficult of access. To many students it will be helpful to possess in compact form the early statutes and law cases dealing with Education.

The limitations of the subject-matter are the limitations of convenience. Moreover the relationship of the State to Education, always important, is now likely to become vital to our national welfare. On the grounds, therefore, of importance and convenience this book purports to deal solely with that relationship. It has not, however, been possible to carry out this scheme in its integrity. Material belonging to the general history of Education, and having little connexion with State Education, has been employed from place to place in order to secure something like historical continuity in the narrative. On the other hand, material strictly belonging to the history of State Education has been deliberately excluded from the volume.

The chief instance of such exclusion is the legislation dealing with particular schools. The private local Acts of Parliament which founded, or modified the foundations of, particular schools are of great interest and deserve prolonged and close attention. The intervention of the Legislature by such means constitutes an important aspect of the subject, and one that might well be dealt with at large. Schools founded by Inclosure Acts would in such a survey receive especial notice. It has not been found possible, however, to deal at all with this question in the present volume.

A further aspect of intervention has only been suggested, though from the historical point of view the matter requires full and careful investigation. The extent to which vestries

and other local bodies, in pursuance of Common and Statute Law, carried on education in the sixteenth, seventeenth and eighteenth centuries can only be ascertained by a prolonged search in local records. Such an investigation would be a profitable and interesting undertaking, but it has not been found possible to pursue it for the purposes of this work.

Again, the question of the local government of endowed schools and of grammar-schools might well have been dealt with here. No history of English Education would be complete without lengthy chapters on this subject and on the internal government of the Universities. The relationship of such quasi-public government, in the case of both schools and Universities, to the Crown acting through the King's Courts is a matter of high historical importance. With this question, as with others, the author has not felt it desirable to deal here. He has, in fact, been sufficiently daring in his endeavours to explore, in pioneer fashion, a somewhat unknown country, and considers it wiser to leave these difficult regions to those who can and will scientifically survey the whole historical area of English Education.

The work actually undertaken in this book has not, however, been accomplished without very considerable expenditure of time and labour; and the author ventures to refer to this fact in order that he may secure the opportunity of thanking all those who have so kindly helped him in his efforts to produce a volume that might be of some practical use to all who are interested in National Education. In particular the author must express his obligation to Professor W. H. Woodward for his valuable suggestions and his helpful reading of the proof-sheets; and to Mr C. E. A. Bedwell,

Sub-Librarian of the Middle Temple Library, for his courtesy and ever ready aid, and for his invaluable help in the detailed work of passing the volume through the press.

J. E. G. DE MONTMORENCY.

3, NEW SQUARE,
LINCOLN'S INN.
January, 1902.

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CORRIGENDA.

p. 151, last line of foot-note, for "pp. 256-7" read "pp. 263-4".

p. 178, add to foot-note ³ "(The Universities Tests Act, 1871)" and delete the same from foot-note ⁴.

p. 213, second line of foot-note,

for "1819 (39 Geo. III. c. 13, s. 7)"

read "1816 (36 Geo. III. c. 139, s. 7)"

ADDENDA.

p. 22, add foot-note to end of first paragraph as follows: "Mr W. H. Stevenson appears recently to have identified John Cornwalle as a teacher of grammar at Oxford in connexion with Merton College in 1347. Richard Pencriche seems to have been a Merton student in 1367, and a contemporary of Wycklif and John de Trevisa."

p. 41, add foot-note ² at the words "Chancellor of the Church of St Paul's, London," as follows: "This official was styled in old records *Magister Scholarum*, and according to Richard Newcourt's *History of the Diocese of London* (vol. i. p. 108-9), he exercised complete control over Grammar Learning in the entire city of London. The same authority adds weight to the view, expressed *infra*, p. 46, that the original Grammar Schools of London were those of St Paul's, St Mary-le-Bow, and St Martin-le-Grand. It seems probable that there was a *Magister scholarum* in each diocese. See the *Register of Worcester Priory*, p. cx, published by the Camden Society, 1865."

p. 164, add to foot-note ³: "It should be remembered that State support for Education in India can really be traced back to 1716, when the Government allowed a Charity School for thirty garrison children to be erected at Fort St George. (See Strype's *Stow*, Bk. v. p. 51.)"

CHAPTER I.

EDUCATION AND THE STATE FROM SAXON TIMES TO THE END OF THE FOURTEENTH CENTURY.

1. THERE are few subjects more worthy of interest and study than the history of the relationship in England between education and the State, and there are few subjects of equal importance that in regard to sources of information are so fruitful in disappointment. To the student of the history of the English Universities and of individual English grammar schools lie open not only the works of distinguished scholars but also stores of uncollated information which offer many opportunities for original research. The general subject, however, as opposed to particular aspects of it, appears, in the centuries preceding the nineteenth century, peculiarly destitute of detail—so destitute, in fact, that Blackstone dismisses it almost in a phrase, and no early writer has deemed it worthy of research; yet when we consider the immeasurable importance of education in social organisations and attempt to realise the great part that letters have played in the development of England, it becomes evident that the national records must contain much of importance concerning the progress of education in each age. It could not be, in such a centralised community as England has been for many centuries, that the only records of the

State and
Church and
National
Education.

progress of the education of her people should be found in local archives and in the private history of her universities and her schools. Among the five-and-twenty thousand laws that have been placed by the Legislature on the Statute Book, in the innumerable volumes that contain the results of six centuries of national litigation, in the laws of the Church, in the Journals of Parliament, and in the records of Parliamentary debates, there must exist much evidence of the attitude of the State as an institution towards education as a necessity of national life. Every parish in the kingdom, it may be broadly said, gives evidence of the attitude towards education of those who were wise in their generation as well as rich, and it is not too much to infer that the collective wisdom and wealth of a State would realise, perhaps as readily as an individual, the needs of a nation.

That education is a national need is not less readily recognised by a generation that sees in it only a spiritual or intellectual want than it is by a generation that regards it as a necessary agent for the obtaining of daily bread. Even before the Christian Era the necessity of education in the State was recognised by at least one writer. Diodorus Siculus in his *Historical Library*¹ tells us that Charondas, the Greek statesman, in giving laws to Thurium and other southern Italian cities, founded by Athenian emigrants, introduced a provision that all the children of the citizens should receive instruction and that the city should pay the master wages. Diodorus is clearly wrong in attributing such a law at Thurium to Charondas, as the city was founded in 443 B.C. when Charondas had been long dead. The passage, however, proves that the idea of State education was known a little before the time of our Lord.

¹ Book XII. (see the reprint of P. Wesseling's edition 1793-1806, vol. v. p. 88): "ἐνομοθέτησε γὰρ τῶν πολιτῶν τοὺς υἱεῖς ἅπαντας μανθάνειν γράμματα χορηγούσης τῆς πόλεως τοὺς μισθοὺς τοῖς διδασκάλοις."

In the fourteenth century in England education was regarded as a spiritual thing, but we have yet to learn that it was considered less needful to the fulness of life or was in fact less widespread than it was at the beginning of the nineteenth century, before the Evangelistic Revival. The recognition of education as a spiritual rather than as a mundane necessity had, moreover, certain consequences that are still unexhausted, of which the chief was the nationalising of education through the patriotic medium of a national Church. The State and the education of the people were certain, in some way and at some time, to come into contact. As a matter of history they became related through the agency of the Church and at a date earlier, we may well believe, than could have resulted from the work of other social factors. It is true that in certain ways the Church seems to have retarded the growth of education, and it is equally true that in other ways it actually de-spiritualised education. In crushing the Lollard schools it retarded its own reformation by more than a century, and renewed the bonds of scholasticism: in formulating the doctrine of Benefit of Clergy it created a powerful engine of education, but one that eventually depreciated the standard of public morals and the reputation of learning.

Other charges have also been made against the Church; charges of injury to education, resulting from exclusiveness on the one hand and from political bias on the other hand, and there have not been wanting those who have seen in the apparently unreasonable opposition of a large body of the clergy in the sixth decade of the nineteenth century to the introduction of a conscience clause in schools a proof that the Church of England, as regards religious toleration, had learnt nothing and had forgotten nothing in a millennium of scholastic administration. In the course of this work some of these questions will receive consideration. That they

Education
as a Spiritual
thing.

Relation of
Church to
Education.

weigh little or nothing against the aggregated labours of the Church seems unanswerable. In so far as they weigh anything they may be regarded as the inevitable results of a sociological development without parallel in the history of religions.

2. The history of English education can scarcely be said to begin before the Black Death in the fourteenth century had swept the land¹. It was not until the Plague had done its work that English was used and taught in the schools of this country. At least as late as the Norman Conquest Anglo-Saxon was the medium of education in most of the schools². From the time

Education in
Saxon times.

¹ It is of course true that education in England existed, and existed in a highly organized form, before 1350. Mr A. F. Leach, in the chronological list of schools attached to his *English Schools at the Reformation* 1546-8, names eleven secondary schools, that existed before 1066, two more schools belonging to the eleventh century, two schools of the twelfth century or earlier, four schools of the thirteenth century, and twelve or thirteen schools of the fourteenth century in existence before 1350. This list is admittedly not an exhaustive list of schools of this early date but it includes the Beverley School referred to in this chapter.

² Ælfric the Grammarian, Abbot of Evesham, who flourished at the beginning of the eleventh century, produced a Latin-Anglo-Saxon grammar (founded on the grammars of Donatus and Priscian) and glossary and reading-book or colloquy. These books were designed by the author for the use of the youth of England (see Preface by Ælfric to his Grammar edited by W. Somner with the *Dictionarium Saxonico-Latino-Anglicum*, Oxford, 1659). This grammar, glossary and colloquy seem to have been the original sources of the Latin-English dialogue-grammars which were in use in the century succeeding the introduction of English into the grammar schools. A Latin-English elementary grammar with examples in English and Latin, belonging, apparently, to the reign of Edward IV. (1461-1483), was found among old papers at Losely House, Surrey (*The Gentleman's Magazine*, vol. 19, N.S. p. 473). This is probably a fair example of a fifteenth century school-book. The period between Ælfric's glossary and this grammar can be filled up. A supplement to Ælfric's glossary and another Anglo-Saxon-Latin vocabulary belonging to the eleventh century are extant. We have a semi-Saxon-Latin vocabulary of the twelfth century, and this was followed, as we might expect, by an Anglo-Norman school-book. The treatise *de Utensilibus* of Alexander Neckam, who died in 1217, is a school-book or vocabulary in Latin with a gloss in Anglo-Norman with English words occasionally occurring. The book deals fully with the details of everyday life. To the mid-thirteenth century may be referred a short vocabulary

of the Conquest to the middle of the fourteenth century the Anglo-Norman dialect was used as a medium of education in the grammar schools of England. This fact was in accordance with the policy of our Norman conquerors and of the Latin ecclesiastics who played so important a part in moulding the laws and modifying the territorial and feudal system of the country.

Yet the dim beginnings of State intervention in English education are to be found far back in Saxon times. So far away as the dark and restless days of King Alfred the Great we find that that remarkable man had seen that in education lay the chief cure for the ills of his people. Alfred found that the unrest and desolation produced by the incursions of the Danes had destroyed all scholarship in England. The island had already lived through and forgotten its first period of learning. Augustine, the first Archbishop of Canterbury, came to England in 596, and seventy-two years later (668) the Archbishop Theodore of Tarsus and the Abbot Adrian brought the means and methods of education. "Through their influence all the larger and better monasteries were converted into schools of learning¹." The schools founded

of the names of plants, where the explanation of the Latin names are given both in Anglo-Norman and English. The decline of the Anglo-Norman dialect seems now to have begun. At the end of the thirteenth century appeared a remarkable little work written by Walter de Bibeleworth at the request of the Lady Dionysia de Monchensy of Swanscombe in Kent. The object of the book was to teach French to children of noble birth. It was written in Anglo-Norman with an interlinear gloss in Latin. At this date, therefore, Anglo-Norman had ceased to be a form of native speech. A metrical Latin-English vocabulary may almost certainly be referred to the fourteenth century, while in the fifteenth century we get a *nominale* and a pictorial Latin-English vocabulary. By that date Anglo-Norman as a tongue was dead. The text of these vocabularies is given in Mayer's *Library of National Antiquities* (volume of vocabularies), edited by Thomas Wright, 1857. According to M. J. Vising (*Étude sur le dialecte Anglo-Normand du xiii^e siècle*: Upsala, 1882), neither Anglo-Norman nor any of its sub-dialects ever became a really popular tongue, though a considerable and interesting literature survives.

¹ Hook's *Lives of the Archbishops of Canterbury*, vol. i. p. 163.

at Canterbury in connexion with the monastery of St Peter were particularly notable. Here Aldhelm and John of Beverley, the instructor of the Venerable Bede, were educated. The learning introduced by Theodore and Adrian was of no mean order. Bede tells us that in 732 there were still living disciples of those teachers who knew the Latin and Greek tongues as well as their native language¹. Bede not only taught in the monastery school at Jarrow, but wrote also little treatises on the seven liberal arts for use in schools, including a Latin Grammar or glossary. The use of Latin had become, comparatively speaking, common. Bede calls it 'the vernacular.' "The Creed and the Our Father I have myself translated into English for the benefit of those priests who are not familiar with the vernacular²."

For a period England seems to have been the centre of European learning. Alcuin (735-800) could boast of the learned men and the noble libraries of England³. Charlemagne could seek to introduce into his empire the scholarship of England. But this sudden burst of culture died away almost as swiftly as it arose. The sloth of the priesthood, the unrest of the land, the red ruin of the Dane, killed it South to North, and when Alfred came all that was left were some stray vestiges of scholarship in far Northumbria. "There was a time," says Alfred in the introduction to his translation of Gregory's *Cura Pastoralis*, "when people came to this island for instruction, now we must get it from abroad if we want it....There were very few on this side Humber who could so much as translate the Church Service or an ordinary Latin letter into English, and not many on the other

¹ *Hist. Eccles. Lib. iv. c. ii.* "Iudicio est quod usque hodie supersunt de eorum discipulis, qui Latine Graecamque linguam aequè ut propriam, in qua nati sunt, norunt."

² See Dean Stubbs's article on 'Bede' in *God's Englishmen*, pp. 31-57 (published by the S.P.C.K.: London, 1887).

³ *Alc. op. i. pp. 52, 53.*

side'." Alfred saw the necessity of initiating a policy of education. Mr J. R. Green quotes for us Alfred's desire "that every youth now in England that is free-born and has wealth enough, be set to learn, as long as he is not fit for any other occupation, till they know well how to read English writing; and let them be afterwards taught in the Latin tongue, who are to continue learning, and to be promoted to a higher rank'." Here was a definite State policy. Education was not to be restricted to the priesthood. It was to be almost a national concern: not quite national, for the freeman only was to benefit. The claim of the serf to education had to wait another four centuries for a hearing. That Alfred was the first great national educationist cannot be doubted. The education of Englishmen at home and abroad was in his judgment a matter of the first importance. In the year 884 he induced Pope Marinus to free the Saxon school in Rome from tribute³. He founded and endowed with an eighth of his revenues an important school for children of his nobility⁴. Certain various readings of Asser's *Life of Alfred* assert that this school was intended for the children of the noble and the ignoble alike—a fact of importance that clashes with the statement in the Preface to the 'Pastoral.' We are also told by an eighteenth century historian⁵ on the authority of an 'Abbas Rievallensis' that Alfred "made a law, obliging all freeholders who possessed two hides of land, or upwards, to send their sons to school, and give them a liberal education." The abbot referred to is clearly Ethelred of Rievaulx (1109?–1166), the historical writer. The life of Alfred in his *De genealogia regum Anglorum*⁶ does not seem to confirm the passage, but in any event the abbot is no authority on the times of King Alfred.

¹ See Saintsbury's *Short History of English Literature*, pp. 24–5.

² *Conquest of England*, p. 160. Pref. to 'Pastoral' (ed. Sweet).

³ "Asserius de rebus gestis Ælfredi;" printed in *Monumenta Historica Britannica*, 1848, see p. 484.

⁴ *loc. cit.*, p. 496.

⁵ See Henry's *History of Great Britain* (1774), vol. II. p. 356.

⁶ Printed in *Historiæ Anglicanæ Scriptores X.*, ed. by Twysden, 1652.

3. The first reference to education after this apocryphal law is a passage in the laws of King Ethelstan which appears to be the keynote of the whole subsequent doctrine of Benefit of Clergy. The date of these laws is *circa* 926 A.D. "And if a scholar made such proficiency in learning, as that he obtained orders, and ministered to Christ, he was thought worthy of that dignity and protection that belonged thereto, unless he incurred a forfeiture of his function, and might not exercise it¹." It will be noticed that in this passage the acquisition of letters qualified a man for the priesthood and for the status which afterwards became the *privilegium clericale*. The historical evolution of the idea of Benefit of Clergy will be dealt with later. It is important here to note the early date at which the conception was incorporated in our laws. In the year 960 A.D. we find, by canons made in the reign of King Edgar that the education of the people, as a means chiefly for strengthening the Church, was regarded both in its primary and in its technical aspect as a desirable thing. Canon LI. of that year is as follows: "And that the priest diligently instruct the youth, and dispose them to trades, that they may have a support to the Church²." In this passage we seem to see a tentative effort by the Church to secure its position. The canon is not the voice of one speaking from an assured position but is the voice of one seeking such a position and determined to obtain it.

In the same year (960 A.D.) we find that a question destined to become somewhat acute under the educational administration of Mr Robert Lowe nine hundred years later was sufficiently important to call for special legislation. By Canon x. of the reign of King Edgar 960 A.D. it is enacted: "that no priest receive a scholar without the leave of the other by whom

¹ Johnson's *Laws and Canons*, vol. I. p. 355.

² *Ibid.*, p. 422.

he was formerly retained¹." This short enactment is full of significance. It shows that at that date education was in the hands of the clergy and seems to suggest that education was paid for by the laity. It may of course be that this enactment was merely intended to secure continuity of education and of spiritual control, but the passage viewed in the light of early mediæval law cases, to which we shall have occasion to refer, certainly seems to suggest payment, even at this early date, by parents for education. On the other hand a passage from certain "Ecclesiastical Institutes" (clause 20) which are set out in *Ancient Laws and Institutes of England*², may be quoted in support of the view that priests were expected by their ecclesiastical superiors to give education freely to the people. The passage runs: "Mass-priests ought always to have at their houses a school of disciples, and if any good man desires to commit his little ones to them for instruction, they ought very gladly to receive them, and kindly teach them."

It appears that these laws are a translation from Bishop Theodulf of Orleans who flourished A.D. 797³, and Johnson states⁴ that they were translated by Ælfric, Archbishop of Canterbury, in 994 or 995 A.D. He suggests that these laws of Theodulf constituted a subsequent form for use both in France and England. It is certainly an interesting fact that as early as the end of the eighth century there should be such injunctions on the subject of education. They were probably one of the results that sprang from the educational movement that failed, as we have seen, in England, but which Alcuin transferred at the end of the eighth century to France with far-reaching results. It would be wrong to

¹ Johnson's *Laws and Canons*, vol. i. p. 414.

² Published by the Record Office in 1840.

³ Haddon and Stubbs, vol. i. p. xiii. It may be of interest to recall the fact that his successor in the see of Orleans nearly eleven hundred years later was Bishop Dupanloup, whose name is so well known in connexion with the religious instruction of children.

⁴ Johnson's *Laws and Canons*, vol. i. p. 450.

dogmatise from evidence such as the laws of Theodulf on a question which has been discussed with some asperity, but the evidence itself is interesting in view of the fact that education was undoubtedly paid for by parents before the thirteenth century, and that there is no *à priori* reason why it should not have been paid for in the tenth or eleventh century.

The danger of reading meanings that do not exist into ancient documents is so great, that it is with hesitation that the suggestion is made of a further meaning, possibly contained in the above passage. Is it not possible that the section contains a covert reference to non-ecclesiastical or even heretical schools and expresses the desire of a Church, not yet in a position to command, to secure to herself the education of the children of her flock? Whether this be so or not we can see a steady and regular increase of clerical influence on education from the time when the practice set in of sending Anglo-Saxon youths to Rome for education and when King Offa established 'St Peter's Penny' for the education of the clergy, up to the twelfth century, when ecclesiastical control became for a time complete and undisputed.

4. The coming of the Norman enabled the Church as a national institution to secure its position of educational control. The Crown within a few years of the battle of Senlac appears to have asserted its authority over the various educational centres by making Anglo-Norman the medium of all scholastic instruction. This threw national education into the hands of Norman ecclesiastics or their nominees with the inevitable result that education became the monopoly of the Church. It is interesting to watch the maintenance of this monopoly in days when the Church had assumed national characteristics and was served by English priests.

The preemptory tone of the Bishops in the twelfth century on educational matters could not be better exhibited than by a bare recital of one of the rare early canons dealing with

Norman
Educational
Laws and
Canons.

education. Canon XVII. of the canons promulgated at Westminster in 1138 A.D. by Alberic, Bishop of Ostia, Legate from Pope Innocent II., and eighteen Bishops and about thirty Abbots, at a national synod held in a vacancy of the see of Canterbury, runs: "We ordain, that if schoolmasters hire out their schools to be governed (or read?) by others, they be liable to ecclesiastical punishment¹." It is a curious fact, and one that shows the continuity of the essential difficulties of any social institution, that this canon deals with the identical difficulty that was at the root of the inefficiency of grammar schools in the eighteenth century and which caused trouble in Lancashire elementary schools in the decade previous to 1870. In each case it seems likely that the man who received the fees delegated his work for a less sum to others. There appears to be no other explanation of the canon, and it would seem to prove conclusively that fees were charged at the beginning of the twelfth century. Assuming on this evidence the existence of the fee system at this period it was evidently not regarded by the State or by the Church as prejudicial to the spread of education.

Throughout the twelfth century Church control of education was maintained, and the following canon promulgated in the interests of education—a canon of surpassing importance in the history of schools—certainly shows that the English Church was ready to intervene in any matter that hindered the progress of learning. Canon VIII. of the canons promulgated by the General Council held at Westminster in the year 1200 A.D. ordained: "Let nothing be exacted for licences to priests to perform divine offices, or for licences to schoolmasters. If it have been paid, let it be restored²." This canon established two points of vast importance. The first is the encouragement offered to education: the second is the implied statement

Licences for
Schoolmasters.

¹ Johnson's *Laws and Canons*, vol. II. p. 45.

² *Ibid.* p. 89.

that no man could keep school without the licence of the Church. It does not imply that every schoolmaster was necessarily a priest—a little later there is direct evidence against that position—in fact the implication is the reverse, but it does assert the all-controlling power of the Church over education. That control, with brief periods of revolt, the Church effectively claimed at least as late as the year 1701 : as late as the year 1802 it was tacitly assumed to exist by the Legislature, and, as far as the appointment of schoolmasters goes, it exists with regard to nearly all secondary education of the grammar school type of to-day. In the fact of such almost immemorial power is to be found the explanation of much that appears irrational and anachronistic in the attitude of a considerable body of the clergy in relation to education up to a comparatively recent date.

5. The first period of revolt against the supremacy of the Church in questions of education was the Lollard movement. Till that date all schools were either Church schools or schools licensed by the Church¹.

The Bever-
ley School
Law-suits.

Before making any reference to the effects of Lollardy on education it will be convenient to refer to a small group of ecclesiastical law-suits in connexion with the Beverley Grammar School which throws a strong light on the relationship of the Church and education at the end of the thirteenth and the beginning of the fourteenth century before Lollardy

¹ To what extent girls' schools existed must be sought for in local records. That there were many such schools there is no reason to doubt. Alfred appears to have attempted something in the way of schools for girls. The phrase schoolmistress was in use quite early. In Dan Michel's *Ayenbite of Inwyte*, written in the Kentish dialect in 1340 A.D., Avarice is referred to as "The maystresse thet heth zuo greate scole thet alle guoth thrin uor to lyerni" (see Dr R. Morris's edition published for the Early English Text Society in 1866—reprinted 1888—p. 34). Probably schools for girls were conducted by nuns and were thus under the control of the Church. The Statute of Artificers (7 Hen. IV. c. 17), 1406, in set terms affirms the parental right of sending girls to school.

had become an influence in the land. The information is drawn from Mr A. F. Leach's *Memorials of Beverley Minster*, published for the Surtees Society in 1898¹. The story of these law-suits is not in itself without interest, but the moral is, for the present purpose, the important part. The keen competition between various persons for the right to teach school in Beverley exhibits a healthy state of things in matters of education. It proves that the occupation of a schoolmaster was a remunerative one, and the results of the suits were a striking proof of the supremacy of the Church in educational affairs.

It appears that Thomas of Brompton, the Master or Rector of Beverley Grammar School, on the 27th of October, 1304, instituted process against one Robert of Dalton, a Clerk who "unmindful of his salvation" taught school in Beverley "to the prejudice of the liberty of our Church." Robert of Dalton was warned to give up in nine days the work of a schoolmaster under pain of excommunication. He appears to have yielded for the time to the orders of the Chapter and the judgment of the Spiritual Court. So much for the first suit. We may judge by it that to teach school in the Manor of Beverley was not unprofitable. This opinion is confirmed when we find that in January 1305 another Clerk, Stephen of Garton, was similarly proceeded against and received a similar warning for keeping an unlicensed school in Kelk. The next stage in this moving history of the long-suffering Master Thomas of Brompton is a brilliant attempt on the part of another schoolmaster, Sancton v.
Brompton. or would be schoolmaster, Geoffrey of Sancton, also a Clerk, to use the arm of the law for the purpose of attacking Master Thomas. There is here a most aggravating omission in the Chapter Roll. All it tells us is that Geoffrey of Sancton brought actions relating to the Beverley Grammar Schools against Thomas of Brompton in the Provost's Court

¹ See pp. lix.—lxv. and pp. 42, 48, 58, 102, 114, 169, 293.

of York. Whether the action was brought to prevent Thomas interfering with Geoffrey in the exercise of his profession of schoolmaster or whether it attacked Thomas in his capacity of grammar school master we cannot tell. But we know from the Roll that the Chapter of Beverley resented these actions and in March 1305 wrote to the Official of the Provostry of Beverley complaining that that Court had entertained a "personal action touching our school, jurisdiction, and court" and warning the Official to dismiss Thomas of Brompton within six days. The Chapter also wrote to the Provostry of York asking that the case of *Sancton v. Brompton* should be remitted to the Chapter. This was apparently done and we hear no more of the matter till the following December. At that date the remitted action had not yet been heard and it seems probable that the Court of York had been making enquiries, for, by a letter from the Chapter to the Official of the Provostry of York dated December 13th, 1305, a new and almost humorous state of things was disclosed.

It appears that Thomas of Brompton had turned the tables on Geoffrey of Sancton by means of a counter action. The Chapter informed the Court of York that in consequence of an action against Geoffrey of Sancton by Thomas of Brompton for keeping an unlicensed school in the Manor of Beverley, Geoffrey of Sancton had been suspended and had not been allowed to proceed against Thomas of Brompton in the remitted action, and the Chapter went on to request the Provostry of York to boycott Geoffrey of Sancton in the Consistory and elsewhere and to cause him to be boycotted by others. The result was inevitable. However valuable the right to teach school in Beverley might have been—and it must have been valuable to have drawn forth such thunder from the Chapter—it was impossible for one priest to stand for a long period against a clerical boycott, and so Geoffrey yielded and was released from excommunication in January 22, 1306.

We might have expected that after this Master Thomas

would have been left to rule his scholars in peace. Not so. In March 1306 Robert of Dalton appears on the scene once more. He had started a school in South Dalton unmindful of his salvation.

Brompton v.
Dalton.

The Chapter and Master Thomas of Brompton pursued the old offender with triple vigour. In October 1304 he had been given nine days in which to repent and to avoid the thunderbolt of excommunication. He then yielded: he was now given three days in which to abandon his unlicensed school under pain of excommunication. But Robert had before his mind the example of Geoffrey of Sancton and refused to close his school and was therefore in due course excommunicated. Geoffrey had fought the Chapter from March till the end of the succeeding January. Robert did almost as well. It was not until Nov. 8, 1306, that he was absolved for having kept an unlicensed school in South Dalton "to the prejudice of the liberty of St John and of Mr Thomas of Brompton or other Master of our School"; possibly however there was no fight and the excommunication was kept a long time in force as a penalty for a second offence. However, here is an authentic record of the ways of the Church with unlicensed schoolmasters in the beginning of the fourteenth century; ways with which Mr Lowe's treatment of uncertificated masters in the middle of the nineteenth century compares very favourably. It was one of the unconscious inconsistencies of the English clergy to complain of the tyranny that coupled a Government grant with a certificate when for centuries the licence of the Bishop had been a condition precedent to any teaching whatever.

One further reference must be made to the Beverley Grammar School. In May 1312 a dispute arose as to the number of free choristers that could be admitted to the school. The Chapter held that all the choristers in the school were to be free, but that boys were not to wear a chorister's habit in choir in such a way as to defraud the

master. This case shows, as Mr Leach points out, that the school was not merely a choristers' school, that it was run for profit with respect to others than choristers, and that it was not free from ecclesiastical control.

This collision, slight as it seems, between the ecclesiastical court and the secular tribunal was a matter of no small importance, for we find a few years later that the Crown, in the person of King Edward III., emphatically repudiated the claim of the Courts Christian to adjudicate upon appointments to grammar school masterships. The following document is of a remarkable character for it appears entirely to ignore the claim of the Church to control national education. If read in connexion with the Act of 1406 and the judgments in the Gloucester Grammar School case decided in 1410¹, it appears to establish the position that the municipal law of England not only allowed all to be taught and any (who were fit) to teach, but also controlled the administration of educational foundations. The document is a prohibition from the Crown—namely, an order to the Court Christian to remit a certain class of action, for want of jurisdiction, to the King's Court—and is dated 1343. It runs as follows²:—"The King to the Registrar and commissaries of the Court of Canterbury greeting—whereas the pleas relating to the patronage (*collatio*) of grammar schools in our kingdom of England belong especially to our Crown and dignity and (whereas) the Abbot and Convent of Beaulieu (*Bello*) are bringing before you in the Court Christian, as we have been informed by many, William Pipard, clerk, relative to the patronage (*collatio*) of the grammar schools of Ferendon—we forbid you to entertain that plea in the ecclesiastical court, such pleas belonging especially to us and to no other in this kingdom. Witness the Keeper. Edward III. in the 17th year of his reign over England and the 4th over France—Parning, Chancellor."

¹ See p. 51 *infra*.

² *Registrum Brevium*, fol. 35. See p. 31 *infra*.

6. The advent of John Wycklif (*circa* 1324—1385) with his complete repudiation of Roman Catholicism and ceremonial mysticism was a turning point in the history of education in England. He himself, for the time, protestantised Oxford and thus affected the tone of the whole country. He created for the first time in English History something of the nature of public opinion on religious matters. He did not die a martyr, and when in 1428—44 years after his death—his mortal remains were taken from Lutterworth Church and cast into the river Swift, his opinions had taken root in every parish in England and (though Oxford by the beginning of the fifteenth century was again under the control of Rome) the mischief, if one may use such a term, was done and the nation had determined to think for itself. The followers of Wycklif, scholars themselves and probably many of them, like their leader, secular priests, adopted the policy of the Church and taught the reformed doctrine through the agency of schools new and old. It must be remembered that many Bishops (the licensers of schoolmasters) had refused to condemn Wycklif as a heretic, and that in the years that passed before the reaction came time enough had elapsed to Lollardise large numbers of grammar and parochial schools, and to allow of the creation of new schools in various parts of the country¹.

The Lollard
Movement and
the Black
Death.

The importance of the part played by Lollards' schools must be considered in connexion with other events in the history of education during the fourteenth century. Not until the end of that century did the persecution of the Lollards begin. Throughout the century the State and the Church had done all that could be done in such times for education, and even when the persecution of the Lollards was in progress we find placed upon the Statute Book an enact-

¹ Twenty-five grammar schools alone are known to have been founded between 1363 and 1400. The names are given in Mr A. F. Leach's *English Schools at the Reformation*, p. 323. The list is incomplete (p. 5).

ment as to education that would have done credit to far more enlightened times¹. The value of scholarship throughout the Norman period was fully recognised by the entire community. It was the open door between the classes and the masses, and towards the end of the middle ages, at any rate, "a poor and humble origin was no bar to great preferment.....Every one admitted even to minor orders must have been able to read and write...; and the bishop who wittingly ordained an ignorant person was deemed guilty of deadly sin. The great obscurity which hangs over the early history of the universities makes it impossible to guess how large a portion of the clergy had received their education there; but towards the close of the period the foundation of colleges connected with particular counties and monasteries must have carried some elements of higher education into the remotest districts; the monastic and other schools placed some modicum of learning within reach of all. The rapid diffusion of Lollard tracts is itself a proof that many men could be found to read them; in every manor was found someone who could write and keep accounts in Latin; and it was rather the scarcity and cost of books, than the inability to read, that caused the prevalent ignorance of the later middle ages²."

To Dr Stubbs's comment on the education of the thirteenth and fourteenth centuries it will be useful to add some ancillary facts. From *à priori* reasoning one would be tempted to believe that the great plagues that swept the country in the fourteenth century must have greatly affected the general educational problem. No great social factor could remain unaffected by the national cataclysm, for these plagues were no less a thing. The Great Death of 1348-9 A.D. was an event of so appalling a character that it dislocated the entire social mechanism of England. The priesthood suffered with the people, and the clergy or persons appointed by the

¹ The Statute of Artificers, 1406 (7 Hen. IV. c. 17).

² Stubbs's *Constitutional History*, vol. III. pp. 369-371.

Church were the dispensers of even the most elementary learning. In the Constitution of Simon Islip, Archbishop of Canterbury, published 1362 A.D. there is a complaint that "parish churches and chapels remain unofficiated, destitute of parochial chaplains" through the covetousness and love of ease of "modern priests." And in another and undated edition of the same constitution we find it stated that "the priests that now are, not considering that they have escaped the danger of the pestilence by divine providence, not for their own merits, but that they might exercise the ministry committed to them... have no regard to the cure of souls...so that...many churches, prebends, and chapels of our and your diocese, and of the whole province, will be destitute of priests to serve them¹."

Dearth of
priests in 1362.

Now whether this abandonment of parishes was due to the covetousness and general debasement of the priesthood, as this extremely outspoken prelate suggests, or whether it was due, as we may well think, to the great mortality among the parish priests and the terror of the survivors, or to both causes, the fact remains that the grammar schools of England had lost their masters. "The priests that now are"—an ominous phrase suggesting the numbers that "now are not" as the result of the Great Plague—had abandoned their livings. Only those, tied we may conjecture to the spot by bonds of birthplace and home, who were peculiarly devoted to their parishes, remained to undertake the duty of the cure of souls. What may we infer from this neglect? We may, at least, infer that it was not the foreign priests, Norman or French by birth and instinct, that remained to minister to the flock: if any priest remained it was an English priest speaking the tongue of his people, writing and reading the language of his people, thinking their thoughts and knowing their aspirations. If this inference is true it explains the rapid spread of Lollardy and it explains the subsequent insulation and independent strength of England. But this

¹ Johnson's *Laws and Canons*, vol. II. pp. 421, 423-4.

inference from reasonable probabilities is more than an inference; it happens to be also an historical fact. The English tongue as an educational agency was born immediately after the Great Death.

7. A remarkable passage from Higden's *Polychronicon* proves this. Higden writing about 1327 A.D. tells us that the children in the schools were at that date compelled to leave their own tongue and construe their lessons in French; while Trevisa, Higden's translator and editor, writing in 1385 A.D. tells us that all that was altered after the First Death (1349) and that English was thereafter taught in the schools. Reading the passage in direct connexion with Archbishop Islip's Constitution of 1362 the conclusion becomes irresistible that the Plague cleared the country of French priests and raised up the English tongue as a vehicle for literary expression.

The text of the passage from the translation (with inserted notes) by John de Trevisa of Higden's *Polychronicon*¹ runs as follows: "This apayrynge of the burthe of the tunge is bycause of tweie thinges; oon is for children in scole agenst the usage and manere of alle othere naciouns beeth compelled for to leue hire owne langage, and for to construe hir lessouns and here thynges in Frensche, and so they haueth seth the Normans come first in to Engeland. Also gentil men children beeth i-taught to speke Frensche from the tyme that they beeth i-rokked in here cradel, and kunneth speke and playe with a childes broche; and vplondisshe men wil likne hym self to gentil men, and fondeth with great besynesse for to speke Frensche, for to be i-tolde of. [*Trevisa*. This manere was moche i-used to for firste deth², and is siththe sumdel i-chaunged; for John (Sir Johan) Cornwaile, a maister of grammer, chaunged the lore in gramer scole and construccion of Frensche in to

Higden and
Trevisa.

¹ Vol. II. pp. 159—161—Rolls Series.

² Another reading: 'to fore the firste moreyn.'

Englische; and Richard Pencriche lerned the manere techynge of hym and of othere men of Pencrich; so that now, the yere of oure Lorde, a thowsand thre hundred and foure score and fyue, and of the secounde Richard after the conquest nyne, in alle the gramere scoles of Engelond, children leueth Frensche and construeth and lerneth an Englische, and haueth therby auantage in oon side and disauantage in another side; here auantage is, that they lerneth her gramer in lasse tyme than children were i-woned to doo; disauantage is that now children of gramer scole conneth na more Frensche than can hir lift heele, and that is harme for hem and they schulle passe the see and trauaille in straunge landes and in many other places. Also gentil men haueth now moche i-left for to teche here children Frensche]. Hit semeth a greet wonder how Englische (that is the burthe tonge of Englissh) men and her owne langage and tonge, is so dyuerse of sown in this oon ilond, and the langage of Normandie is comlynge of another londe, and hath oon manere soun among alle men that speketh hit aright in Engelond. [*Trevisa*. Neuertheles there is as many dyuers manere Frensche in the reem of Fraunce as is dyuers manere Englische in the reem of Engelond.]”

The importance of this whole passage, and especially of John de Trevisa's interpolated notes in square brackets, can scarcely be over-rated. It contributes, both directly and by implication, facts of the highest value to the history of English education during a peculiarly obscure period. First a word must be said as to the men who initiated this movement which in reality revolutionised English education; for we must always remember that Anglo-Norman was a hard tongue to kill and lingered in active corrupt use in the Law Courts for centuries after it died as a tongue, and that it still officially exists in connexion with the legislation of the country. No Act of the Legislature can to-day become law save through the medium of that weird dialect¹. However “Sir

¹ See footnote to p. 33 *infra*.

Johan Cornwaile, a maister of grammer, chaunged the lore in gramer scole and construccioun of Frensche in to Englische; and Richard Pencriche lerned the manere techynge of hym and of othere men of Pencrich." Now no volume of biography tells us anything of John Cornwaile or of Richard of Pencriche or of the 'other men of Pencrich,' but still one may learn something of them all by a process of reasoning which is rather more than mere conjecture. The phrase 'of hym and of other men of Pencrich' shows that Cornwaile was a man of Pencrich and that Richard Pencriche was really Richard of Pencriche. Cornwaile by his name was certainly a west-country man, though whether he belonged to the distinguished mediæval family of that name cannot be ascertained; he was master of grammar, he was an inhabitant of Pencrich. But where was Pencrich? It might be the Penkriche in Derbyshire where there was a Church in early times, but it appears sufficiently clear that he was of Pencriz or Penkridge (to use the modern spelling) in Staffordshire, within a few miles of the town of Stafford, and that to this county belongs the honour of having given to England the use of her own tongue in her own schools.

Penkridge Grammar School.	Of Penkriche in Derbyshire little can be ascertained, but the Staffordshire Penkridge is of great antiquarian importance. An ecclesiastical foundation existed there before the Conquest, and the Church be-
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came collegiate as early, it would seem, as the reign of Henry II. It was certainly collegiate in the 20th year of King Edward I. (1292). The advowson of the Church and of the manor were granted to the Archbishop of Dublin by one Hugh House, and the gift was confirmed by King John in the 17th year of his reign¹. This collegiate church with four chapels must have had, in accordance with the best authorities on the subject of collegiate churches, a considerable school

¹ See Dugdale's *Monasticon Anglicanum*, vol. vi. p. 1466, Sir H. Ellis's edition, 1846.

attached to it, and we may conjecture that John Cornwaile was 'maister of grammer' in this school soon after the Plague in 1348-9, that he then introduced there the system of teaching lessons in English, that his plan was adopted by others in the neighbourhood and in particular by Richard of Pencriche, his possible successor in the mastership of the school, and that from this origin the practice spread over England till in 1385 it had become universal.

8. This passage from Higden introduced incidentally in a discussion on the evolution of the English language as a tongue from its constituents, is as The classes attending school. has been said important both directly and by implication. It was, according to Higden, the practice for school children from the year 1066 to the year in which he wrote (1327), to construe their lessons and other school work in French. When Higden wrote the English language was the natural tongue of the class that attended grammar schools: in the schools these children were compelled 'to leave their own language.' The class that attended these schools were not the children of gentle blood; this is shown by the form of words used both by Higden and his commentator. Higden tells us that the children in school were compelled to use French; "also gentil men children beeth i-taught to speke Frensche from the tyme that they beeth i-rokked in here cradel"; and Trevisa says "children of gramer scole conneth na more Frensche than can hir lift heele...Also gentil men haueth now moche i-left for to teche here children Frensche." This helps us to ascertain the class that attended the grammar schools. It seems impossible to doubt that the children of the upper classes were taught by tutors¹. If we omit all persons of gentle blood, who were left? The burgage tenants in towns certainly attended the grammar school of the borough. These schools in some instances were under

¹ Walter de Bibelesworth's treatise (see footnote p. 5) is additional evidence of this.

the entire control, as in the case of Bridgnorth Grammar School, of the Corporation and not dependent on the Church.

Placing on one side the gentle folk and the burgage tenants in towns, what classes have we to deal with in the manors into which England was divided? In a manor, apart from the gentle folk, we find a large agricultural population divided roughly into a free and an unfree class. These classes had no sharp dividing line. Freemen might become base and the reverse, whilst in the time of Bracton we find the anomaly of a free man holding by a base tenure: we should expect to find on a manor in the thirteenth century unfree men holding by unfree tenure. It is not necessary for the present purpose to separate the free class into freemen holding by military service or its equivalent, or merely as free socage tenants holding by an oath of fealty and the payment of rent attached to the freehold or the doing of non-military services. This was the highest non-gentle class. Next perhaps came husbandry leaseholders who held private lands belonging to the lord at the will of the lord. Thirdly we may name freemen holding by indeterminate tenure. Probably by the beginning of the fifteenth century the above three classes had equal social standing save that the leaseholder had not an unimpeachable right to his term of years till the reign of Henry VIII.¹

The next was a curious class. It was a villein or unfree class that, by continuous holding from father to son of the same land, had obtained a kind of title to the land. These villeinholders were not the equals of the freeholders. They were attached to the soil and had to perform certain services, and their title appeared on the court roll of the manor. Their title was shown by a copy of the court roll and by the time of Henry V. they are called copyholders². On the death of such a tenant the customary heir would petition the court of the

¹ 21 Hen. VIII. c. 15.

² In the *Year Book* of 1369, 42 Ed. III. p. 25, a defendant held 'per copy de court roll a volunte le Prior.' Cf. Coke on Littleton, 58 a.

manor in which the freeholders were judges to be admitted to the land on payment of dues. Though the copyholder in time became the equal of the freeholder this was not the case in the fourteenth century, but nevertheless he had reached a position of some importance. At the time of Doomsday there were three unfree classes. The *villani*, who were *adscripti glebae*, that is, immovable from the manor, and were later known as villeins regardant as opposed to the *servi* (or personal slaves), who became known as villeins in gross and who were capable of transfer by sale¹. The third class in Doomsday were the *cotarii*, *cotsetlae* and *bordarii*, cottage holders with small allotments and bound to render light prædial services. This class had combined with the class of villein regardant by the end of the fourteenth century and constituted the copyholders—an unfree class holding their land at the will of the lord but with an increasing hold over the land. The lowest class of all were the villeins in gross, who owned no land and were practically the personal slaves of the lord, the right to their services being saleable by deed.

That was the country population of England at the end of the fourteenth century and it seems clear that the 'children of gramer scole' were indiscriminately the children of non-gentle freeholders and of copyholders and, in many instances, of the villeins in gross. This fact seems established by the legislation of the beginning of the fifteenth century which affirmed the right of the villein child to go to school. Such legislation would scarcely have been needed to protect the copyholder's child.

Education of
the villein.

Mr Leach, dealing with a later date, says²: "That occasionally bright boys were snatched up out of the ranks of the real poor and turned into clerics, to become lawyers, civil servants, bishops, is not to be doubted. But it was the middle classes, whether country or town, the younger sons of the nobility or

¹ See instance given in Blount's *Law Dictionary*, tit. 'Neif.'

² *English Schools at the Reformation*, p. 109.

farmers, the lesser landholders, the prosperous tradesmen, who created a demand for education, and furnished the occupants of Grammar Schools." This statement does not apply altogether to national education in the fourteenth or the early fifteenth century. It seems doubtful even if in the forty-two towns mentioned in the Poll Tax returns for 1377 the younger sons of the nobility attended school. Trevisa, writing in 1385, appears explicitly to exclude all children of gentle blood from the schools, and his view is confirmed by the Gloucester Grammar School case decided in 1410. In these towns the schools were, there can be little doubt, almost exclusively attended by the children of burghage tenants—the only 'middle class' that existed in the Middle Ages—though it is probable that children of the villein class also attended subsequently to, and possibly even before, 1406.

The term 'the poor' during the period that ends with the Wars of the Roses needs definition. There were no poor in the sense of a class that had become practically destitute as the result of personal incapacity in the face of open social competition. Previous to the changes in the social order that resulted from the extinction of the feudal barony in the Wars of the Roses every man, woman and child had either a lord or a master and the traffic in human labour and ability was 'fair' not 'free.' The only exception to this rule existed in the large towns. But the proportion of population contained by those towns to the whole population of the country was probably not more than one to sixteen. Previous to 1406 the class that chiefly attended the grammar schools, whether in town or country, were the children of free non-gentle persons, though as early as 1391 the merging of the free and unfree classes had evidently led to the introduction of large numbers of unfree children into the schools. The policy and character of the lord or of the master and of his spiritual advisers in a lay fee, and not the fact of poverty, determined the amount of schoolgoing on any great particular

estate. The exodus of foreign priests during the Great Plagues seems to have initiated an educational policy throughout the country, for not only do we find in the last forty years of the fourteenth century that grammar schools were rapidly founded, but we find that the Legislature is terrified at the multiplication of clerks among the unfree classes.

9. The Petition from the Commons of the Realm of England to King Richard II. in 1391 shows how vastly education had spread since the Black Death and the substitution of English for Anglo-Norman in teaching, and with what suspicion the new policy, with its inherent possibilities of Roman interference, was regarded. The petition runs as follows: "39. Item...et auxi de ordeiner et comander, que null Neif ou Vileyn mette ses Enfantz de cy en avant a Escoles pur eux avancer par Clergie, et ce en maintenance et salvation de l'honneur de toutz Frankes du Roialme'."

The petition
against 'free'
education.

The Commons, in plain English, asked the King, in addition to other things contained in the same petition, to ordain and command that henceforward no neif or villein should send his children to the schools to enable them to alter their social status 'par Clergie.' The ground for the petition was the safety and honour of the freemen of the Realm. The petition was refused in the usual form by which the Crown signifies the Royal Veto. The 'responsio' to the petition is 'le roi s'avisera.' In other words he nominally reserves the petition for consideration, but in fact rejects it absolutely.

Dr Stubbs's passage dealing with the rapid development of education may be here quoted with advantage. "Even the villein might, by learning a craft, set his foot on the ladder of promotion. But the most certain way to rise was furnished by education. Over against the many grievances which modern thought has alleged against the unlearned ages which passed before the invention of printing, it ought to be set to

¹ *Rot. Parl.* 15 Ric. II. 39, vol. III. p. 294.

the credit of mediæval society that clerkship was never despised or made unnecessarily difficult of acquisition. The sneer of Walter Map, who declared that in his days the villeins were attempting to educate their ignoble and degenerate offspring in the liberal arts proves that even in the twelfth century the way was open¹. Richard II. rejected the proposition that the villeins should be forbidden to send their children to the schools to 'learn clergie'; and even at a time when the supply of labour ran so low that no man who was not worth twenty shillings a year in land or rent was allowed to apprentice his child to a craft, a full and liberal exception was made in favour of learning; 'every man or woman'—the words occur in the petition and statute of artificers passed in

¹ It may be remarked as a supplement to the sarcasm of that famous mediæval wit Walter Map that the evidence goes to show that at the very beginning of the twelfth century the consummation that he deprecated appeared to be at hand. Mr A. F. Leach (p. lx. of *The Memorials of Beverley Minster*) shows in connexion with the life of Wm. Ketell, the author of *De miraculis sancti Joannis Beverlacensis*, that 'the grammar schoolmaster was regarded as an ordinary appendage of the Church' as early as the year 1100. When we remember that the monasteries were large employers of slave or villein labour we see, it would seem, sufficient cause for the bitterness of Walter Map. If we adopt the chronology of Mr C. L. Kingsford, who writes the life of Ketell in the *Dictionary of National Biography*, we must place Mr Leach's inference half a century later and nearer Walter Map's time.

Dr Stubbs's reference to the views of Walter Map (1140?—1208?) is based upon Map's *de Nugis Curialium* Distinc. i. Cap. x. (Published by the Camden Society in 1850—vol. L.). This extremely important passage runs as follows: "Servi vero, quos vocamus rusticos, suos ignominiosos et degeneres in artibus eis indebitis enutrire contendunt, non ut exeant a vitiis, sed ut abundant divitiis, qui quanto fiunt peritiores tanto perniciores. Artes enim gladii sunt potentum, qui pro modis utentium variantur. Nam in manu benigni principis pacifici sunt, in manu tyranni mortiferi. Redimunt suos a dominis servi, cupiditas utrinque militat et vincit, cum libertas libertatis addicitur hosti. Quod singularis ille versificator [*Claudian in Eutrop.* i. 181, 183] ait praeclare manifestans, ubi dicit,

Asperius nihil est humili, cum surgit in altum
et caetera, et juxta

—*nec belua tetrrior ulla,*

Quam servi rabies in libera terga furentis.

Vir ille praedictus hanc approbavit sententiam." Identical views have been somewhat current even in the nineteenth century.

1406,—‘of what state or condition that he be, shall be free to set their son or daughter to take learning at any school that pleaseth them within the realm’.” The text of this, the first Statute of Education, may fittingly here be given in the original Anglo-Norman: “Purveux toutesfoitz

q̃ chun hōme ou fēme de quele estate ou con-
 dicion qil soit, soit faunc de mettre son fitz ou
 file dapp’ndre lettereure a quelconq̃, escole q̃
 leur plect deinz le Roialme².” This enactment is immediately
 followed by a provision as to the necessary value of lands of
 any person who would make his son or daughter apprentice to
 any craft within a city or borough.

The first
 Statute of
 Education,
 1406.

Before passing on to the residue of the scanty material that is available for the history of general education in pre-Reformation times we must glance once again at the form of the petition of 1391. To whom does it refer? It asks that education should be forbidden to the children of ‘neif ou vileyn.’ The word ‘neif’ is used by Sir William Blackstone in the sense of a female villein. One manuscript of Littleton’s *Tenures*, however, uses the word ‘neif’ in the masculine with its feminine ‘neife,’ though commentators on Littleton of the eighteenth century defined the word ‘neif’ as the feminine of ‘villein,’ and Blount’s *Law Dictionary* published in 1670 assumes the feminine meaning to be beyond doubt³. If this meaning can be attached to the word, and the use of the phrase ‘home ou feme’ in the statute of 1406 is in favour of this meaning, it is probable that the expression ‘neif ou vileyn’ would refer to male and female villeins in gross: in other words the Commons petition that all children of slaves should be forbidden education. This is the natural meaning of the petition, as by the end of the fourteenth century the villeins regardant had

Slaves and
 education.

¹ Stubbs’s *Constitutional History*, vol. III. p. 607.

² 7 Hen. IV. c. 17.

³ Cf. Blount’s *Antient Tenures of Land*, p. 143.

become copyholders and were not materially lower in the social scale than their freeholding neighbours, and since there existed specific manorial customs restricting the education of servile tenants; moreover a female villein regardant would have been an anomaly. If the word 'neif' is masculine, it would seem that the phrase 'neif ou vileyn' was intended to cover the whole unfree class—the 'neif' representing the personal slave and the 'vileyn' the land slave.

The phrase 'de cy en avant' certainly suggests that the class aimed at had been receiving a measure of education. That education was 'Clergie'—a sufficient education to enable a villein to qualify for orders and to obtain without taking orders the Benefit of Clergy. Doubtless one inducement to the lower classes to obtain education immediately after the Black Death was the number of vacancies in parishes made by the pestilence, and another was the greater ease with which education could be acquired when English was substituted for French in the grammar schools. On the other hand the

National fear of the results of education. Commons at the end of the century, apart altogether from the question of education, were anxious to check the further increase in the number of unbeneficed clergy and in the number of those whom the Bishops could claim as subject to ecclesiastical as opposed to common law jurisdiction. The Commons would naturally have felt that the rapid spread of education might have three effects, any one of which threatened the existing social order. The feudal system had been shattered by the centralisation of authority, and the education of the masses meant the dissolution of the existing system of land tenure. That was one consideration. Another consideration was the spread of Lollardy. A movement of such intense spiritual significance offered every attraction to the newly educated, and the Legislature must have realized the revolutionary possibilities of the first and nobler Reformation. But a third and even greater danger loomed before jealous English

patriots who hated beyond all other things the possibility of foreign intervention in English affairs. The fact that ecclesiastical jurisdiction, and therefore the jurisdiction of Rome, increased with the increase of popular education was a serious matter for the consideration of the patriotic baronage and knightage of England. The fear had been, indeed, felt by the Crown before the coming of the Black Death. In 1344 (17 Edward III.) a Prohibition, signed or issued by Sir Robert Parning, the Chancellor, was addressed to the officials of the See of Canterbury. This document prohibited the reference of any plea as to the presentation of masters to grammar schools to the Courts Christian or to anyone but the King¹. The fear of Church control clearly lies behind this prohibition.

But there was a yet further reason for the general dread of education. Many manors, it would seem, had customs that restricted the education of servile tenants. Thus we find in the register, dated 1325, of the tenants' rents and services within the manor of Burcester in the county of Oxford a record of such a restriction. White Kennett, with respect to this custom, says: "*Ad literaturam ponere*, to put out children to school. Which liberty was denied to some parents who were servile tenants, without consent of the lord. So in the lands at Burcester, which were held in villanage from the prioress of Merkyate: *Quilibet costumarius non debet filium suum ad literaturam ponere, neque filiam suam maritare sine licentia et voluntate priorissae*.... This Julian-like prohibition of educating sons to learning, was owing to this reason; for fear, the son being bred to letters might enter into religion, or sacred orders, and so stop or divert the services which he might otherwise do as heir or successor to his father²." Another custom of a similar nature is referred to in Blount's *Law*

¹ *Registrum Brevium*, 4th ed. 1687, folio 35. See p. 16 *supra*.

² *Parochial Antiquities* (1695), vol. i. p. 575, vol. ii. Glossary under the word '*literatura*.' There was a similar custom in the manor of Clymeslond in Cornwall. See Blount's *Antient Tenures*, p. 108.

Dictionary: "*Coronare Filium*. To make one's Son a Priest. Anciently Lords of Manors, whose Tenants held by *Villainage*, did prohibit them *Coronare Filios*, lest he should lose a Villain by their entring into Holy Orders. *Inq. per H. Nott. tit. Brayles*¹." These customs are a strong additional explanation of the petition of 1391. They were not inconsistent with the law of the land or of the Church. By article.xvi. of the Articles of Clarendon (1164) it had been provided that "the sons of tenants in villainage, ought not to be ordained without consent of the lord on whose lands they were born²." The various manorial customs merely gave to this law local emphasis. The Crown swept them all away as unreasonable and dangerous, and the Act of 1406 placed the universal right of all, bond or free, to education on a firm and unalterable basis. Whatever might be the opinion of Pope or King, Parliament or feudal lord, men had attained the right to be educated. That fact, at least, was recognised in England five hundred years ago.

¹ Custom in the manor of Brayles in the county of Warwick in the time of Edward I. See Blount's *Antient Tenures*, p. 20.

² Johnson's *Laws and Canons*, vol. ii. p. 55.

CHAPTER II.

THE COMMON LAW OF EDUCATION.

10. THE education of the people was well in hand at the beginning of the fifteenth century, and the longer the question is studied the more clearly we see that the development synchronises with the break-down of the Norman monopoly of rights in the fourteenth century. In 1341¹ the infamous system of the presentment of Englishry, by which the murder of an Englishman was placed on a different legal basis to the murder of a Norman, was abolished. English and Norman were made equal in the eyes of the law. In 1362² pleas were directed to be pleaded in the courts of law in the English tongue, defended, answered, debated and judged in English and enrolled in Latin³: while, as we have seen, by 1385 English was universally used in the schools. Meanwhile the education which Parliament feared would increase the priesthood to the detriment of the nation was having far other effects. "The new damnable brand of Lollardy," to use Lord Thomas Arundel's polite phrase in his tenth Constitution of 1408, was making vast strides, and had infected England. So wide-spread had the Reformation

The Lollards
and Church
Control.

¹ 14 Edw. III. Stat. 1, c. 4.

² 36 Edw. III. c. 15.

³ The use of bastard French in legal proceedings lingered on till the time of the Commonwealth. By Act 37 of 1650 all Report books and other law books were ordered to be printed in the English tongue, and all writs, pleadings, patents, etc., and the records of all proceedings in all courts were ordered to be in English only. This Act and Act 4 of the following year provided for the translation into English of all law books and official legal documents. See Scobell's *Acts of Parliament*, 1640-1656, published 1658.

become that Parliament intervened fourteen years after the death of Wycklif. The result that Pope Gregory XI. had aimed at in the Reformer's lifetime the Popish Prelates who reconquered heretical Oxford¹ after his death achieved.

The statute 2 Henry IV. c. 15 (1401) did not give the Lollards a name, but it forbad "divers false and perverse people of a certain new sect...to...in any wise hold or exercise schools; and also that none from henceforth in any wise favour such...holding or exercising schools²." This act was violently enforced: and, in 1408, Lord Thomas Arundel,

Constitutions
of Archbishop
Arundel.

Archbishop of Canterbury, supplemented the act with constitutions of an uncompromising character. The fourth of these constitutions forbade "masters and all who teach boys or others the arts, or grammar, and that instruct men in the first sciences" to teach theology contrary to the determinations of the Church or to expound texts otherwise than of old or to permit scholars or disciples to dispute concerning the Catholic faith or the Sacraments of the Church. The constitutions show that the Lollards had been busy in the Universities and grammar schools, and had supplemented the arts, grammar and the sciences with a new denominational teaching that was repugnant to the Bishops of England on political, if not always on religious grounds. The fifth constitution is a remarkable production and faithfully reflects the mediæval policy of Rome: "Because a new path oftener

Arundel's
policy.

misleads men than an old, we will and ordain that no book or treatise composed by John Wicklif, or by any other in his time, or since, or hereafter

¹ Not without some cost to learning. By the year 1438 the number of students had fallen to under 1000. See Rashdall's *Universities of Europe in the Middle Ages*, vol. II. part II. p. 589.

² It would appear clearly from this that Lollard schools were a fact with which the State felt called upon to grapple, and that the problem before the State and Church authorities did not merely consist in the suppression and dispersal of conventicles.

to be composed, be henceforth read in the schools, halls, inns, or other places whatsoever within our province aforesaid, and that none be taught according to such (book) unless it have been first examined, and upon examination unanimously approved by the University of Oxford or Cambridge, or at least by 12 men chosen by the said universities, or by one of them under the discretion of us, or our successors; and then afterwards (the book be approved) expressly by us, or our successors, and delivered in the name, and by the authority of the universities, to be copied, and sold to such as desire it; after it has been faithfully collated at a just price, the original thenceforth remaining in some chest of the university for ever. And if anyone shall read book or treatise of this sort in the schools or elsewhere, contrary to the form above written, or shall teach according to it, let him be punished according as the quality of the fact shall require, as a sower of schism, and a fautor of heresy¹."

This assertion of authority over the intellect of men may with advantage be compared to the Fourth Sermon upon the Plough, by Master Hugh Latimer, which he preached in the Shrouds of Paul's Church in London on the 18th day of January, 1549, beginning "all thynges which are written are written for our erudition and knowledge. All thynges that are written in Goddes Boke, in the Bible Boke, in the Boke of the Holy Scripture are wrytten to be oure doctrine." Latimer evidently forestalled the learned Selden in believing, as Milton puts it, "that all opinions, yea errors, known, read, and collated, are of main service and assistance toward the speedy attainment of what is truest" (*Areopagitica*). One can only wonder that Mr John Milton, in his speech for the liberty of unlicensed printing, did not quote and rend these constitutions of Lord Thomas Arundel. They are, however, of great historical interest. They prove the return of Oxford to the fold: they give us an idea of the method of distribu-

¹ Johnson's *Laws and Canons*, vol. II. p. 465.

tion of copies in præ-printing days; they suggest stores of wonderful manuscripts hidden away for ever in University or College chests.

These constitutions and the Act of 1401 had full effect, and gradually the "new damnable brand," like other torches of learning in other times, was stamped into darkness. Possibly the full effect of the reactionary measures on education is summed up in the spiritual duties of a schoolmaster as set forth by William Lyndwood in his great work, the *Provinciale*, which was completed in 1433. The head note to the Title, "De Magistris et Potestate docendi" (Lib. V. Tit. 4), is as follows: "Ludimagistri doceant fidei Catholice consona, nec sinant Scholasticos contra eam sentire, aut disputando tenere; nec altiora quam sapere possunt tractare: contrarium autem facientes puniantur." By 1430, in fact, the Church had recovered from the Lollard revolt against her universal authority.

11. The relationship of the State Church to education in mediæval times cannot be well understood without some reference to that interesting and in some respects astounding legal fiction—the doctrine of the Benefit of Clergy. We must return to the beginning of the fifteenth century in this chapter, but for the moment, in order to bring the various sources of information into sequence, it will be useful briefly to deal with this question, which was of peculiar importance during the period referred to above. From an early date the clergy were in most respects independent of municipal or common law jurisdiction, and were subject to an ecclesiastical law peculiar to themselves. This is not the place in which to follow the growth of a rule of law that had a far reaching effect in the history of England, save in so far as it played a part in the relationship of the State and education.

We have seen by the laws of King Ethelstan (926 A.D.) that education was a condition precedent to Holy Orders and

Benefit of
Clergy, 926-
1826.

carried with it the clerical privilege and protection, and that the law apparently gave legal sanction to an existing practice. It is true that the Statute of Westminster I. (1275 A.D.) made provision as to the punishment of Clerks—"A Clerk convict of Felony, delivered to the Ordinary, shall not depart without Purgation"—but he gradually obtained complete immunity from the Common Law. For centuries the Clerk was, as was pointed out by Matthew Paris¹, in Holy Orders, but "in process of time a much wider and more comprehensive criterion was established: everyone that could read (a mark of great learning in these days of ignorance and her sister superstition) being accounted a clerk or *clericus*, and allowed the benefit of clerkship, though neither initiated in holy orders, nor trimmed with the clerical tonsure²." Sir William Blackstone proceeds to point out that when the invention of printing and other causes had so extended general learning that reading was no longer a proof of clerkship and the *Privilegium Clericale* was as open to the layman as to the divine, the distinction between the two became more defined.

But in the beginning of the fifteenth century the privilege of "Clergie" was in its prime, and the influence wielded by the Church, in her power to withdraw offenders from the secular arm, was vast. Moreover, it was an influence that told in favour of education, for it was to the interest of Rome for every man to obtain that minimum, at least, of letters which would make him responsible to the Church for his actions and not to the Crown. Thus we see that, while the Lollards valued education for one thing, the ecclesiastics valued it for another: while, on grounds of general policy, the State fostered it as far as possible. Indeed, as

General
desire for
Education,
circa 1400.

¹ *Chronica Majora*, Rolls ed. (1880), vol. v. p. 738. (Case of William de Bussy, under the date 1259.)

² Blackstone's *Commentaries*, Book iv. chap. 28.

38 MODIFICATIONS OF THE DOCTRINE OF BENEFIT OF CLERGY.

we shall see directly, the State, speaking through its representatives on the King's Bench, regarded education both as a spiritual and as a desirable thing. So on all sides at this date education gained ground, receiving with thankfulness its strength from reformers and bishops, judges and kings.

In the course of nature, as we have seen in the petition of Parliament to Richard II., there was a strong conservative party that, tenacious of privilege and personally conscious of the conquering forces of ignorance, would have been glad to close the doors between class and class and disliked the thought that education could lift an ignoble boor into the seats of the mighty. But the current of the times and the influence of the Church were against the persistence of national ignorance, and so rapidly did the current move that we find, by the end of the century, distinct modifications of the doctrine of Benefit of Clergy to meet the necessities of an age in which education had attained a wider scope. By statute 4 & 5 Hen. VII. c. 13 (1488-9) learning is still favoured with a considerable modification. The learned layman could claim his Benefit of Clergy once: but, in order to prevent a further abuse of the precious privilege, the unfortunate scholar was branded in the brawn of the left thumb with an "M" for murderer and a "T" for any other felony. In this way the Legislature hoped to discourage "divers persons learned" from the "presumptuous boldness" of committing crime "upon trust of the privilege of the Church." A few years later, by statute 23 Hen. VIII. c. 1 (1531-2), Benefit of Clergy was taken from all persons not in Orders or under the order of sub-deacon, and for the time the peculiar criminal privileges of the learned laity were abolished. Before concluding this note on the history of Benefit of Clergy, we must briefly consider the position at the Reformation.

Education had ceased to be the privilege of a class, had ceased to be the door that gave admittance to that class.

The spread of education had destroyed the necessity of privilege. That was one thing. The other was the extinction—partly through education, partly through plague and war and the failure of tenures—of another class. By Edward VI.'s reign the villein in gross was extinct, and there were only a few villeins regardant left—men attached to land that had been ecclesiastical¹. It is true that villeinage was a legal fact as late at least as 1618², and base tenure was not swept away in so far as it involved personal slavery until the statute 12 Car. II. c. 24, whilst the copyhold tenure remains to this day as a memorial of the days of slavery. With the dawn of the Reformation, however, we learn that the learned free class and the unlearned slave class had vanished together, merged in the great mass of population to which letters conveyed a definite meaning and tenures conveyed none.

The extinction of slavery in England.

The revival of the doctrine of the Benefit of Clergy after the establishment of a reformed Church was a meaningless and to some extent unconscious and ignorant anachronism to which Parliament not only gave its sanction: the Legislature actually extended the doctrine to women. Sir William Blackstone sums up the position as it was in 1705 as follows: "All women, all Peers of Parliament and Peeresses and all male Commoners who could read were discharged in all Clergyable offences; the males absolutely if Clerks in Holy Orders; and other Commoners, both male and female upon branding, and peers and peeresses without for the first offence; yet all liable (except peers and peeresses), if the Judge saw occasion to imprisonment not exceeding a year. And those men who could not read if under the degree of peerage were hanged. Afterwards indeed it was considered

Blackstone's summary of position in 1705.

¹ Sir Thomas Smith's *Commonwealth*, Book III. Chap. 10.

² See the case of *Pigg v. Caley*, reported in Noy. p. 27; 11 Hargrave's *State Trials*, p. 342.

that education and learning were no extenuation of guilt, but quite the reverse, and that if the punishment of death for simple felony was too severe for those who had been liberally instructed, it was *à fortiori* too severe for the ignorant also. And thereupon, by the same statute 5 Anne, c. 6, it was enacted that the Benefit of Clergy should be granted to all those who were entitled to ask it, without requiring them to read by way of additional merit¹. This general extension of the *Privilegium clericale* rendered it valueless as a privilege, since punishment soon fell on privileged and unprivileged alike with a rigour which, though not equal, was almost intolerable in both cases. Benefit of Clergy was not, however, abolished until 1826-7, when the statute 7 & 8 Geo. IV. c. 28, s. 6, swept away that fictional State protection of learning which had existed for nine centuries, and which was almost within one lustrum to be replaced by active State intervention on behalf of elementary education. Benefit of Clergy undoubtedly gave stalwart help to the cause of education in the Middle Ages, but it as certainly lowered the morale of the Church and added nothing to, if it did not detract anything from, the spiritual significance of letters in the history of a nation and in the eyes of the world.

12. We now turn back to the end of the fourteenth and beginning of the next century to deal with some of the most interesting portions of the sparse material at our command. We have seen in some detail the extent to which the Legislature and the Church had aided the growth of national education. We have also seen that the spiritual courts—the Courts Christian—had a part to play. The development of that part will be seen later, but it will be convenient to refer here to a record that throws some light upon the strained relations that existed between the temporal and

Conflict between civil and spiritual jurisdiction.

¹ Blackstone's *Commentaries*, Book iv. Chap. 28.

spiritual courts on this very question. Later we shall see that tension revived, but it is certainly a matter of great interest to observe its existence in an acute form in the fourteenth century.

In the year 1393-4 an extraordinary and rare petition was presented to the Crown¹. It was a petition from the Archbishop of Canterbury, the Bishop of London, the Dean of the Free Chapel of St Martin le Grand and the Chancellor of the Church of St Paul's, London, declaring that by the laws spiritual and by immemorial custom the ordinance, the disposition and examination of the masters of certain schools of the faculty of grammar within the City of London and the suburbs of the same belonged to the petitioners. Nevertheless, of late strange, unqualified masters of grammar (said the petition) held general schools in grammar in the said city to the deceit and illusion of the children, and to the great prejudice of the King's Lieges, and of the jurisdiction of Holy Church. The Petition then went on to inform the King that the masters of the three schools of St Paul's, the Arches, and St Martin's, had pursued their right against these strange masters in the Court Christian: and that, in reply to these proceedings, the strange masters had proceeded against the said three masters in the secular court in order that the said strange masters might hold their general schools without the assent of the Archbishop, the Bishop, the Dean and the Chancellor aforesaid. The petition therefore prayed the king to grant his gracious letters of the Privy Council directed to the Mayor and Aldermen of the said city, commanding them not to mix themselves up with the matter to the prejudice of the Holy Church, so that the matter might be settled in the Court Christian between the two parties according to law and custom.

Petition to
Richard II.

Courts
Christian and
secular.

This petition is of great importance. The reader will

¹ 3 Rot. Parl. 324.

naturally compare the facts contained in it with the dispute at Beverley nearly a hundred years earlier. We may assume that, during the century, the schoolmaster had been fighting for a position that the Church could not control. We shall see later that the Master of Paul's claimed exclusive educational powers in London, and here we see that in at least two suburban, or rather "peculiar," areas the same monopoly was claimed. But these monopolies must have been seriously threatened: nothing else could account for a direct petition to the King in support of the spiritual courts—a petition made in the face of the fact that Richard II. had refused in 1391, in answer to a petition from the Commons, to place any limitation to the right of education. There must have been a severe and interesting tussle before the petition was presented. The appeal by the unlicensed schoolmasters to the secular court was a bold and formidable step, but was, as we shall see shortly, by no means a hopeless method of procedure.

Richard II. did not answer the petition, and this must have aided the King's Bench when the same question was raised before it in 1410¹. Considering the important personages who promoted the petition, it is surprising that it should have remained unanswered. But it does not seem possible to find any answer or step on the part of the Crown in the proceedings of the Privy Council or in the published records of the City of London. We can only conjecture how the matter ended; the Church, there can be little doubt, suffered a check, for during the succeeding half-century "many and divers persons" trespassed in the virgin fields of London. The obstinacy of the City is accountable enough. We have no reason to suppose that the City secular court regarded the Court Christian with any peculiar affection or respect: and, though doubtless a City court would not

¹ See pp. 50—53 *infra*.

welcome "strangers," that is to say persons who were not Freemen of the City, with any special favour, yet it might also well be that a City that was ever liberal in its professions, and has always been interested in education both in London and out of London, would look with disfavour on the monopoly which was destined to be broken down by the Crown in 1447.

13. This petition of 1393-4 calls attention to the general subject of education in London. Various early and interesting documents dealing with this question are fortunately extant. William Fitzstephen, who died about the year 1190, prefaced his life of Becket with a description of the London of his day¹. This "*descriptio nobilissimæ civitatis Londoniæ*" contains a section describing the schools of London. Stow has printed the *descriptio* with a somewhat free translation². The section concerning the schools is as follows: "In London three famous schooles are kept at three principall Churches, which they retaine by priviledge and ancient dignity. Notwithstanding by favour of some persons, or Teachers, who are knowne and well reputed for their Philosophie; there are other Schooles upon good will and sufferance. Upon the Holydayes, assemblies flocke together about the Church, where the Master hath his abode. There the Schollers dispute; some use demonstrations, others topicall and probable arguments: Some practise Enthimems, others are better at perfect Syllogismes: Some for a shew dispute, and for exercising themselves, and strive like adversaries: Others for truth, which is the grace of perfection. The dissembling Sophisters turne Verbalists, and are magnified when they overflow in speech; some also are intrapt with deceitfull

Schools in
London, circa
1185.

¹ "The curious preface, entitled '*Descriptio nobilissimæ civitatis Londoniæ*' is by far the most graphic and elaborate account of London during the twelfth century yet remaining." *National Dictionary of Biography*, tit. William Fitzstephen.

² Stow's *Survey of London*, 1632, pp. 703-714.

arguments. Sometime certaine Oratours, with Rhetoricall Orations, speake handsomly to perswade, being carefull to observe the precepts of Art, who omit no matter contingent. The Boyes of divers Schooles wrangle together in versifying, and canvase the principles of Grammar, as the

The Grammar
School Course,
circa 1180.

rules of the Preterperfect and Future Tenses. Some after an old custome of prating, use Rimes and Epigrams: these can freely quip their fellowes, suppressing their names with a festinine and railing liberty: these cast out most abusive jests, and with Socraticall witnesses either they give a touch at the vices of Superiours, or fall upon them with a Satyricall bitterness. The hearers prepare for laughter, and make themselves merry in the meane time¹."

¹ The best text of the *Vita Sancti Thomae* is that given in the *Materials for the History of Thomas Becket*, edited by the Rev. J. C. Robertson, Rolls Ed. 1877. The text used by Stow varies in some particulars from the Rolls text and omits the historically important word 'plures.' The passage of which Stow's translation has been given is section 9 of the Prologus, and appears on page 4 of Vol. III. of the *Materials*. It runs as follows:

"In Londonia tres principales ecclesiae scholas celebres habent de privilegio et antiqua dignitate. Plerumque tamen favore personali alicujus notorum secundum philosophiam plures ibi scholae admittuntur. Diebus festis ad ecclesias festivas magistri conventus celebrant. Disputant scholares, quidam demonstrative, dialectice alii; hii rotant entymemata, hi perfectis melius utuntur syllogismis. Quidam ad ostentationem exercentur disputatione, quae est inter collectantes; alii ad veritatem, ea quae est perfectionis gratia. Sophistae simulatores agmine et inundatione verborum beati judicantur; alii paralogizant. Oratores aliqui quandoque orationibus rhetoricis aliquid dicunt apposite ad persuadendum, curantes artis praecepta servare, et ex contingentibus nihil omittere. Pueri diversarum scholarum versibus inter se conrixantur; aut de principiis artis grammaticae, vel regulis praeteritorum vel supinorum, contendunt. Sunt alii qui in epigrammatibus, rhythmis et metris, utuntur vetere illa triviali dicacitate; licentia Fescennina socios suppressis nominibus liberius lacerant; loedorias jaculantur et scommata; salibus Socraticis sociorum, vel forte majorum, vitia tangunt; vel mordacius "dente rodunt Theonino" audacibus dithyrambis. Auditores,

'multum ridere parati

Ingeminant tremulos naso crispante cachinnos.'

[Persius III. 86—7.]

From the point of view of the subjects taught, we shall have occasion to refer once more to this description of English schools at the end of the twelfth century¹. It is, however, important in another way. It shows that many other schools besides those three official schools were in existence in London though they only existed by the sufferance of the Church. The three schools, according to Strype's *Stow*², were the school attached to the Cathedral Church of St Paul, the school belonging to the Monastery of St Peter at Westminster³, and the school in connection with the Monastery of St Saviour, Southwark. This is, however, pure, and in two cases wrong, guess-work. Enough, however, is told us by Fitzstephen to show us that the education of youth was encouraged in London to the very highest point toward the end of his century.

Not only were there important grammar schools occupied in training boys for the severe scholastic curriculum of the Universities, but education at other centres was encouraged. It is important to compare this fact with the position two centuries later.

London's
first Grammar
Schools.

By 1393 the Church had learnt to regret its liberality. Possibly the fear of Lollardy was the cause. The Crown is asked to recognize only three schools—St Paul's, the Arches, and St Martin's. It would seem most probable that these three schools are the schools mentioned by Fitzstephen, for the petitioners claimed a monopoly for them by virtue of an immemorial right of control over schoolmasters vested in them. In the Gloucester Grammar School case, which was decided in 1410, Skrene, the counsel for the plaintiffs, declared that "the master of Paul's school claims that there

¹ The description was written about 1185-7.

² Book i. p. 123 (ed. 1720).

³ This statement is based on the forged history formerly attributed to Ingulf, Abbot of Croyland, which states that Ingulf, who died in 1109, was educated at Westminster.

shall be no other master in the City of London competing with them." This statement is at one with the petition of 1393-4, since the school at the Arches was not within the jurisdiction of the City¹, and St Martin's School was within the liberty of St Martin which was likewise exempt from jurisdiction². In the same case of 1410 Mr Justice Hankeford stated that a monopoly was possible in the case of a school of ancient foundation. It would, therefore, seem almost certain that the schools of St Paul's, the Arches, and St Martin's of the fifteenth century were the great grammar and logic schools of London in the twelfth century.

Two further documents must now be quoted to show how complicated the educational questions in London had become. The first is an Ordinance by King Henry VI. made in 1446, by which he sanctions the action of the Archbishop of Canterbury and the Bishop of London in limiting the number of grammar schools in London to five. The reason given for this step was the undesirable common grammar schools that had been set up by "many and divers persons." In the next year,

1447, this monopoly was indirectly petitioned
 Petition to Henry VI. against by four City rectors: they protested strongly against the restriction of teaching to two or three persons and told the King that where there were a great number of learners and few teachers and all the learners were compelled to go to the same few teachers, the masters wax rich in money and the learners poor in knowledge. They therefore asked permission to establish grammar schools in their respective parishes. This request the king granted subject to spiritual consent.

We thus see that education in London in the fourteenth and fifteenth centuries was a remunerative business and one that it was the policy of the Church to monopolize.

¹ The church of St Mary le Bow was a Peculiar belonging to the Archbishop of Canterbury. Strype's *Stow*, Book III. p. 24 (ed. 1720).

² Wheatley and Cunningham, *London Past and Present*, 1891.

It is easy in days of general liberalism to criticise such a policy: but it is difficult to suggest an alternative policy that could have been adopted at that date.

The control of learning seemed essential to the existence of a national Church, and the Assertion of
Church
control.

control was asserted with unbending determination. The measure of the Church's success is difficult to estimate, but it is noteworthy that the complaint as to the existence of strange masters of grammar in 1393 was repeated in 1446—a sign that the Church had been unable to completely crush unlicensed schools. On the other hand that much harm had been done to education by the battle is fully shown by the mournful petition of the four rectors in 1447.

The first document runs thus:—"Henry by the Grace of God King of England and of France and Lord of Ireland to our Chancellor of England greeting. For as much as the right Reverend Father in God the Archbishop of Canterbury and the reverend Father in God the Bishop of London considering the great abusions that have been of long time within our City of London that many and divers persons not sufficiently instruct in Grammar presuming to hold common Grammar Schools in great deceit as well unto their scholars as unto the friends that find them to school have of their great wisdom set and ordained v schools of grammar and no more within our said city.

One within the Churchyard of St Paul, another Ordinance of
1446. within the Collegiate Church of St Martin, the third in Bow Church, the fourth in the Church of St Dunstan in the East, the v in our hospital of St Anthony¹ within our said city, the which they have openly declared sufficient as

¹ The school connected with the Hospital of St Anthony was founded in 1441 as a free grammar school by the appropriation of the Church of St Benet Fink. See Mr A. F. Leach's *English Schools at the Reformation*, page 26. By the reign of Charles II. it had dwindled to 'a poor sort of Parochial Grammar School.' It was destroyed in the Great Fire of 1666 and was not rebuilt.

by their letters patent thereupon made it appeareth more at large. We in consideration of the premises have thereunto granted our royal will and assent. Wherefore we will and charge you that here upon ye do make our letters patent under our great seal in due form declaring in the same our said will and assent giving furthermore in commandment by the same our letters unto all our subjects of our said city that they nor none of them trouble nor hinder the masters of the said schools in any wise in this part, but rather help and assist them inasmuch as in them is. Given under our privy seal at Guildford the third day of May the year of our reign twenty-four." This Ordinance made by King Henry VI. in 1446, which added two new schools to the efficient schools of London, is set out in *Excerpta Historica* (page 5) published in 1831.

The petition of the four rectors paints in very pitiful but possibly exaggerated language the condition of education in England in the middle of the fifteenth century. It is addressed¹ to King Henry VI. in the 25th year (1447) of his reign by the rectors of the parishes of Allhallows, St Andrew's, Holborn, St Peter's, Cornhill, and Colchirche. A portion of the petition runs as follows :—"Please it unto the full wyse and discrete Comunes in this present Parliament assembled to considre, the grete nombre of gramer Scholes, that somtyme were in divers parties of this Realme, beside tho that were in London, and howe fewe ben in thise dayes, and the grete hurt that is caused of this, not oonly in the Spirituell partie of the Chirche, where often tymes it apperith to openly in som persones, with grete shame, but also in the Temporell partie, to whom also it is full expedient to have competent congruite for many causes, as to youre wisdoms apperith. And for asmuche as to the Citee of London is the commune concours of this lond, wherin is grete multitude

The disappearance of Grammar Schools.

¹ 5 Rot. Parl. 137.

of younge peple, not oonly borne and brought forth in the same Citee, but also of many other parties of this lond, som for lake of Scole maistres in thier oune Contree, for to be enfourmed of gramer there, and som for the grete almesse of Lordes, Merchauntz and other, the which is in London more plenteuously doon, than in many other places of this Reaume, to such pouere Creatures as never shuld have be brought to so greet vertu and connyng as thei have, ne hadde hit ben bi the meane of the almes abovesaid; Wherefore it were expedient, that in London were a sufficeant nombre of Scoles, and good enfourmers in gramer, and not for the singuler availl of II or III persones, grevously to hurte the multitude of yonge peple of all this Lond; For where there is grete nombre of Lernalers, and fewe Techers, and all the Lernalers be compelled to goo to the same fewe Techers, and to noon other, the Maisters wexen riche in money, and the Lernalers pouere in connyng, as experience openly shewith, aynst all vertue and ordre of well puplik." Hence these four 'poor persons' of London prayed that they in their respective parishes might "ordeyne, create, establish and sette, a person sufficientlly lerned in gramer, to hold and exercise a Scole in the same science of gramer, and it there to teche to all that will lerne," and with powers for themselves and their successors to remove and substitute schoolmasters. The Responsio of the Crown ran as follows:—"The Kyng wille, that it be do as it is desired; so that it be doone by thadvyse of the Ordinarie, otherelles of the Archebisshope of Canterbury for the tyme beyng."

This petition proves that there had been a large falling off in the number of schools throughout the country, and the only feasible explanation of this fact seems to be the successful attempt to stamp out Lollardy—an attempt that could only have been successful by means of a crusade against unlicensed schoolmasters and masters of grammar of doubtful orthodoxy and by the closing of schools. The extirpation of Lollardy must have involved a widespread destruction of

the means of education in England, and the work of those who preferred to see England Catholic to England educated was completed by the political organisers of the Reformation, who, in their successful and mercenary attack on the strongholds of Roman Catholicism, destroyed, by one of the strangest ironies of history, many of the remaining strongholds of education.

14. At the date of the conflict in London between the secular and the spiritual courts as to the right to teach, the doctrine of the common law on the subject had not yet been authoritatively declared. But the declaration was at hand and the conception was certainly in the air. It will be convenient to pass, therefore, to the case which asserted once and for ever the common law right of all to teach who possessed the capacity. As yet we have not heard the voice of the King's Bench on the question of education nor any of the views of the king's judges. In the fifteenth century we must look for such views in the Year Books. No other nation, probably, possesses so remarkable a record of the personal affairs and daily life of the units of a people as is contained in the English Year Books. These records are a series of official annual law reports produced by the prothonotaries or chief scribes of the courts at the expense of the Crown. They are extant in almost continuous succession from the year 1307 to the year 1537. This extraordinary record of the affairs of men contains unfortunately few cases dealing with education. Educational law cases were chiefly dealt with in local secular or spiritual courts.

There appear to be only some three cases in the Year Books that directly deal with the subject of education and only one of importance. This case belongs to the year 1410 and is fully reported in the Year Book 11 Henry IV.¹ It

¹ "Les Reports del cases en ley, que furent argues en le temps de tres Haut et Puissant Princes les roys Henry le IV. et Henry le V." London,

was referred to with an imperfect citation by Lord Stanley, afterwards Lord Derby, in the House of Commons on June 14, 1839¹; this citation was repeated by Earl Russell in the House of Lords on December 2, 1867². The case is in many ways so interesting that a somewhat full note of it from the Year Book may be given with advantage. The action was what was technically known as an Action of Trespass on the Case. From the report it appears that two masters of the Gloucester Grammar School brought an action of trespass against the master of another school; they alleged that the appointment to the Grammar School had immemorially belonged to the Prior of Lanthony near Gloucester; that the said Prior had appointed them in pursuance of his power for the government of the scholars of the school, and for the teaching of infants and others and for other purposes; that the defendant had raised a school in the same town so that where the plaintiffs had been wont to take of a child forty pence a quarter or two shillings a quarter they now took only twelve pence; for which they claimed damages. It was evidently a test case. Horton for the defendant pleaded full defence. Thomas Tickill (Attorney General) said that the plaintiff's writ was bad. Skrene for the plaintiffs argued that it was a good action on the case and that the pleadings showed sufficient substance as to damage.

To this William Hankeford (Justice of the Common Pleas) replied: "*Dampnum* may be *absque injuria*. Thus if I have a mill and my neighbour raises another mill whereby the profit of my mill is diminished, I have no action against him although it is damage to me." To this Chief Justice Thirning agreed, and said that "the information of children is a thing spiritual, and if a man retain a master in his house

1679. De termino Hillarii. Anno xi. Henrici IIII. page 47, case 21. Trespas. Action sur le case."

¹ Hansard, III. Series, vol. 48, col. 238.

² Hansard, III. Series, vol. 190, col. 484.

to teach his children he damages the Common Master of the town. Yet I believe that he has no action." Skrene replied that the masters of Paul's claimed that there should be no other master in the whole of the City of London except themselves. Then Horton asked judgment if the Court had jurisdiction. Skrene submitted that he could not be heard. And then Horton for the defendant demurred that the writ did not lie.

Skrene replied: "Inasmuch as we can aver the title of the Prior, as above, and that we are suffering damage by his action in drawing away our scholars—for we were wont to take from a scholar 40*d.* or 2*s.* a quarter whilst we now take but 12*d.*—we demand judgment and pray damages."

Hill, J.: "There is a fundamental failure in the case to maintain action inasmuch as the plaintiffs have no estate but merely an uncertain ministry like any other person who, being as well qualified as the plaintiffs are, comes to teach youth. It is a virtuous and charitable thing to do, helpful to the people, for which he cannot be punished by our law."

Thirning, C. J.: "Whether the Prior can prove his right to appoint to the school or not this Court can know nothing of it since the teaching and instruction of the children is a spiritual thing and, since the plaintiffs have claimed the scholars through the appointment of the Prior and upon that have founded their action, which is accessory and dependent on the title of the Prior—which is the principal and spiritual thing—, it seems that this action cannot be tried in this Court."

Skrene argued further: "If a market be raised to the prejudice of my market I shall have an assize of nuisance, and, in a common case, if purchasers at my market are disturbed or beaten so that I lose my toll, I should have a good action of Trespass on the Case; and so in this case."

Hankeford, J., replied: "It is not in point, because in your case you would have a freehold and inheritance in the market,

but here the plaintiffs have no estate in the schoolmastership, etc., save for a time uncertain, and it would be contrary to reason that a master could be disturbed from holding school where he pleased save in the case of a university corporation or a school of ancient foundation. And in the case of a mill (as I said before), if my neighbour raise a mill and others who used to grind at my mill go to the other mill whereby my toll is lessened, for this cause I have no action: but if a miller prevent water running to my mill or create any similar nuisance, I shall have such action as the law gives." And the opinion of the Court was that the writ did not lie: wherefore it was adjudged that the plaintiffs should take nothing.

There is considerable matter for comment in this case. First as to the school itself. In the portion of Rudder's *History of Gloucestershire*¹ relating to the town of Gloucester there is clearly a reference to this school in the following passage. "There was a grammar-school in old Smith-street, on this account called the School-house-lane, given, as appears by the *Monasticon*, by King Henry II. to the Priory of Lanthony; the masters wherof antiently received 40 *den. per* quarter, or 2 *sol.* for each child. But 11° H. 4 only 12 *den.* In 1535, this house lay void." Haymo Glocestrius was possibly master of this school in 1160 A.D. Andrew Horn, the author of *Speculum Justitiaciorum* who died in 1328, was a scholar at Gloucester Grammar School.

The report of the case is full of suggestions and is of direct and indirect value. The seeming reference by Hankeford, Justice of the Common Pleas, to Thirning's judgment before it was delivered suggests that the various judgments were reserved or considered judgments. Hankeford bases his opinion on the principle of law that a man may be damnified without suffering legal injury, and he relies on the instance, so much

Value of the
1410 case.

¹ *A New History of Gloucestershire*, printed by Samuel Rudder, 1779, p. 127.

referred to in claims for easements of air, of the mill. He then puts the specific case of the schoolmaster who is damnified and yet has no remedy: "If a man retain a master in his house to teach his children he damages the common master of the town, yet I believe that he has no action." Apart altogether from the law of the matter this statement is of value. It was spoken only 25 years after the year 1385 in which Trevisa was writing and may be read in connection with it.

"If a man retain a master in his house to teach his children he damages the common master of the town": this phrase certainly suggests that the grammar school was regarded as the normal place of education for children of all classes in the town but also clearly points to the practice on the part of persons of position of employing private tutors. It was clearly not an uncommon practice for people in a good position to have their children taught at home. The passage certainly assumes that all children in a town would be either taught at home or by the common master of the town, and it is a very valuable supplement to the information given us by Higden and Trevisa. Of course it is necessary to beware of throwing too great stress on and of attaching too great an importance to, isolated expressions, but these statements are intentionally general in form, and are spoken weightily with a due sense of the necessity for accuracy. The conclusion to be drawn from Trevisa's statements is that popular education at the end of the fourteenth century was far more general than has been supposed, and this position is greatly strengthened by the answer of King Richard II. to the Commons in 1391, by the Act against Lollards of 1401, by the first statute of education in 1406, by the ecclesiastical Constitutions of 1408 quoted above, and lastly by the important case of 1410 now under review.

Skrene's answer to the Judge's proposition throws the generality of that proposition into strong relief: "The masters of Paul's claim that there should be no other master, in

the whole of the city of London, except themselves." The claim was, as we have seen, of long standing and is important as showing that in London, as in Beverley, education was sufficiently remunerative and sufficiently important for grammar school masters to resent competition. We may assume indeed from these instances in towns so remote and so unlike as Beverley, Gloucester, and London that this question of educational competition affected every town of importance in the country. The evidence seems to be quite strong enough to support the inference, and the inference is a fact of absolutely first-rate importance in the history of education in England. If we believe, as we must believe, that at the beginning of the fifteenth century the grammar school masters throughout the country were prepared to invoke powers ecclesiastical, powers municipal and judicial, nay the direct intervention of the Crown itself to maintain a remunerative monopoly¹, then the popular belief that the century preceding the introduction of printing was a century of dense and unrelieved popular ignorance is as unfounded as are many other popular beliefs that are based on methods of history more interesting than scientific.

Educational
competition at
Beverley,
Gloucester,
and London.

We have not, however, yet done with the case of the Gloucester Grammar School. In answer to the defendant's demurrer Skrene fell back on the vested interest of the plaintiff. His client, he argued, derived an exclusive right to teach from the Prior of Lanthony, and as the defendant drew away the plaintiff's scholars, and thereby compelled the

¹ Schoolmasters in the middle of the fifteenth century were paid a not inconsiderable salary even when employed by conventual houses. Thus according to the Treasurer's Account for 1440-1 of Abingdon Abbey there was paid "Magistro Johanni Maltby, instructori scolarium, hoc anno xls" (*Accounts of the Obedientars of Abingdon Abbey*, p. 121; printed for the Camden Society, 1892). This forty shillings was worth probably £40 to £50 of our money, and so, with meals at the Abbey, Master John Maltby was passing rich.

plaintiffs to reduce their fees from 40*d.* and 2*s.* to 12*d.* in order to meet the competition—he demanded judgment and damages. Hill, J., met this technical argument. Had the plaintiff possessed an ‘estate’ in the school—a freehold office—the plea might have been valuable, but “as the plaintiffs have no estate but merely an uncertain ministry like any other person who, being as well qualified as the plaintiffs are, comes to teach youth,” the action fails. The learned judge repudiates with indignation the suggestion that the defendant has committed an offence. ‘To teach youth’ “is a virtuous and charitable thing to do, helpful to the people, for which he cannot be punished by our law.” This statement says much for the independence of the judicial bench five centuries ago when ecclesiastics were hard at work suppressing Lollardy and when the Church was claiming such a control over the minds of men as was not surpassed in the subsequent history of Roman Catholicism.

To teach
youth not
punishable by
the Common
Law.

The statement of this judge is the complement of the refusal by Richard II. to impede children in search of learning. The common law of England as declared by the Crown in Parliament forbade none to learn, and the common law as declared by the representative of the Crown on the judicial bench forbade none to teach. It might be an ecclesiastical offence of which the Bishop claimed, by a prescription that had run for four centuries, to take cognizance, for a man to teach without the licence of the Bishop but it was no offence against the common law of England. It will be interesting later to show the development in the seventeenth and eighteenth centuries of this position with the help of legal decisions. The point, in the case under review, is taken up immediately by Chief Justice Thirning, who dismisses the action on a new ground. He says, in effect, that the matter is not one with which the King’s Bench can deal. It does not signify (he says) whether the Prior of Lanthony can prove his exclusive

right to appoint a schoolmaster or not; since the action has been founded upon that claim it must be dismissed. The teaching and instruction of children is a spiritual thing—"le doctrine et enformation des enfants est chose espiritual"—and "this action cannot be tried in this Court"; in other words the plaintiffs may have a remedy in spiritual courts. Let them go there. They have on their own showing no remedy at common law.

Education is
a spiritual
thing.

This case is important, and has been claimed by great educationalists of the nineteenth century as a judicial decision, that national education was under the exclusive control of the national Church¹. This is, however, far from being the case. The Court did not declare that the Church had such an exclusive control. What the Court said was, "This man has committed no offence against the Common Law of England: what he has done is 'helpful to the people.' The plaintiffs claim that the spiritual courts possess jurisdiction in matters of education. The plaintiffs' remedy, if any, therefore, must be sought there." It was an easy solution of a difficult matter, a

¹ "He found it laid down by a Chief Justice in a case so early as the 11th of Henry 4th, in the old French of those times—'La doctrine et information des infants est chose espirituel,' Twining, Chief Justice, 11th of Henry 4th; and, therefore, as *une chose espirituelle*, under the superintendence of the spiritual courts and ecclesiastical law, and the common-law Courts recognized this authority, and declared education to be a matter for ecclesiastical cognisance, and that they would not interfere against a matter of ecclesiastical jurisdiction. It was a doctrine as old as the history of the country, and it was recognized even down to the present time" (Lord Stanley, June 14th, 1839. Hansard, III Series, vol. 48, col. 238). Lord Russell, on December 2nd, 1867 (Hansard, III Series, vol. 190, col. 484), refers to this speech when he said, "The noble Earl (the Earl of Derby) quoted that, I think, without remembering exactly that at that time all England had but one form of religion." Lord Stanley's statement in 1839 quite misses the effect of the decision. It is probable that he never saw a report of the case, as he misquotes the name of the Chief Justice. Lord Russell's criticism of the speech in 1867 is scarcely effective. In 1410 there was probably as large a proportion of dissenters in England as there was in 1710, though dissent was not organized in the same way. Both speeches are characteristic examples of the method of controversy used in educational questions between 1833 and 1870.

solution that judges have always been ready to seize: "We have, on the pleadings, no jurisdiction." But Hill, J., went further and declared that there was no common law against teaching. Skrene, the counsel for the plaintiffs, however, returned to the charge. He argued that if he owned a market and his customers were drawn or driven away by the erection of another market so that he lost his market tolls he would have a good action. Hankeford, J., dealt with this final plea. The argument he said was not in point, as it assumed a free and inherited right to the market, "but here the plaintiffs have no estate in the schoolmastership, etc., save for a time uncertain." It followed that a master was not liable to be prevented from holding a school where he pleased "save in the case of a university corporation or a school of ancient foundation." This final declaration is important, for it amounts to a decision as strong as that previously made by Hill, J., that the right to teach is free save in certain specified cases. We might imagine that in the interval between his first and second judgment Hankeford, J., had looked up the books in order to answer Skrene's plea that the masters of Paul's claimed an exclusive right to teach. Hankeford appears

The monopoly restricted to universities and ancient schools.

to admit this, and says that the right to teach is free at common law save where a particular school has obtained a prescriptive monopoly or where the Crown has granted such a monopoly to a corporation¹. The learned judge is however merely laying down a general principle and that principle was

¹ It would be interesting to ascertain the number and names of the ancient educational foundations that possessed in 1410 a prescriptive monopoly. Possibly this means schools founded before legal memory (the first year of King Richard I.) which had throughout the period successfully claimed a monopoly in education. This would mean all schools founded before 1189. Mr Leach in the chronological list of schools attached to his *English Schools at the Reformation*, mentions fourteen or fifteen such schools, and there were doubtless many more that vanished at the Reformation or earlier. To Mr Leach's list we must apparently add the three London schools of St Paul's, the Arches, and St Martin's.

so clearly placed before the common lawyers of England by this remarkable decision that no other case on the subject appears in the Year Books. Doubtless when more material analogous to that relating to Beverley Minster published by Mr A. F. Leach is given to the world we shall find other cases before the ecclesiastical courts. But it would be scarcely necessary to search further in common law reports—even if there were any probability of finding cases—since the principle of the right to teach at common law was finally concluded by the Gloucester Grammar School case.

While it is satisfactory to feel that the common law was strong enough in superstitious days to assert the elementary rights of the subjects in so hazardous a matter as education, yet it would be unhistorical to attribute great practical importance to a fact which has, fortunately or unfortunately, been sufficiently obscure to exclude it, except as a matter of casual and inaccurate reference, from the painful educational controversies of the last half-century. It will be sufficient if we keep the fact in mind during the subsequent development of events; and it may be remarked now that three centuries were destined to pass away before the case we have just examined was recalled for the purposes of equity by a later generation of judges. In those three centuries the Church amid its marvellous vicissitudes never relaxed its hold on the teaching of youth and treated as dead or non-existent the sleeping though living doctrine of the common law. We have seen how thorough were Archbishop Arundel's Constitutions of 1408; we have seen with what determination he crushed or attempted to crush unlicensed teaching throughout the country; we have seen how explicit was Lyndwood, writing in the third decade of the 15th century in his remarks on the necessity of Catholicity in schoolmasters. "*Contrarium autem facientes puniantur*" is an unmistakeable and almost a regal phrase. That is the last expression of the mediæval mind on the subject of education. Amid the clash of internecine arms

accompanied by the boom of clumsy cannon and by an under-rumble of the new and wonderful printing-press

The close of
the Middle
Ages.

the Middle Ages in England died. They have been painted as ignorant, brutal and picturesque.

We may have our doubts as to the truth of the picture; we may well believe that the eighteenth century in the mass was more brutal, more picturesque, and less religious, and we may even believe that it was far more ignorant and far less moral. The Middle Ages left to the age of the Reformation educational possibilities that were recklessly squandered, though it is only just to the Tudor period to suggest that the clerical movement against the Lollards and the struggle for educational supremacy had already more than a century before the Reformation struck a heavy blow at general education in England¹.

¹ It would seem that the final suppression of the alien priories by Henry V. in 1415 (*Rot. Parl.* vol. iv. p. 22), involved the destruction of a considerable number of schools (see Strype's *Stow*, Bk. i. p. 124). The number of houses suppressed has been variously estimated. Tanner in his *Notitia Monastica* (1744) puts the number at 96, while in an *Account of the Alien Priors* (1786) the total reaches 146. The latter book (vol. i. p. xi*) states that "Henry VI. endowed his foundations at Eton and Cambridge with the lands of the alien priories, in pursuance of his father's design to appropriate them all to a noble college at Oxford," and gives a list of the lands conveyed; but some of the lands were appropriated to private uses.

CHAPTER III.

EDUCATION AND THE STATE IN THE SIXTEENTH AND SEVENTEENTH CENTURIES.

15. In the preceding chapter reference was made to a passage in the *Monasticon* as to the Gloucester Grammar School—the school that gave rise to the important law case that has been fully dealt with above¹. In this passage occurs the phrase: “In 1535, this house lay void.” The words are pregnant with meaning. Many Houses lay void from that date. Henry VIII. in his haste to root up the tares, destroyed more wheat than he or his children were ever able to sow again. Many educational wheatfields became pasture land. The revived grammar schools, noble institutions as they were, could not and did not continue in its entirety that educational system which the Church had fostered with so much success, and to which the fourth Council of Lateran (1215) had given a world-wide significance in the command that there should be a school-master in every cathedral, and that he should be licensed by the Bishop².

The destruction of
Mediæval
foundations
for Education.

¹ See pp. 53 et seq.

² *Decreta*, Tit. xi. See *Sacrosancta Concilia*, vol. xi. col. 164 (Paris; 1671). See also decrees of the third Council of Lateran, c. 18 (1179 A.D.) *loc. cit.* vol. x. col. 1518; and of the Council of Vienne (1311 A.D.)—*Corpus Juris Canonici*: Pars Secunda col. 1179 (Leipsic; 1881). In some cases municipal corporations ousted the ecclesiastical control. An instance of this may be given. On March 18, 1503, an order was made at the Great Court at Bridgnorth by the 24 burgesses “that there schall

It is not part of the purpose of this book to trace the destruction of mediæval grammar schools at the Reformation, though it is necessary to draw attention to the fact and to emphasise once again in doing so the injustice that the efforts of the Middle Ages have suffered in the matter of education at the hands of the Reformation, and therefore at the hands of the historians. But we must notice in passing that it is possibly not just to attribute to Henry VIII. any wilful hatred of Church-administered education. Those who desire to appreciate all sides of King Henry's attitude towards education may be referred to a remarkable passage in "a description of England," written in 1586 by William Harrison and included in Holinshed's *Chronicles*. Harrison is writing of those who desire to obtain educational endowments: "When such a motion was made by some unto king Henrie the eight, he could answer them in this maner; 'Ah, sirha! I perceive the abbeie lands have fleshed you and set your teeth on edge, to aske also those colleges. And whereas we had a regard onelie to pull downe sinne by defacing the monasteries, you have a desire also to overthrow all goodness by subversion of colleges. I tell you sirs that I judge no land in England better bestowed than that which is given to our universities, for by their maintenance our realme shall be well governed when we be dead and rotten. As you love your welfares therefore, follow no more this veine, but content your selves with that you have alreadie, or else seeke honest meanes whereby to increase your livelods, for I love not learning so ill, that I will impaire

no priste kepe no scole save oonly oon child to helpe hym to sey masse after that a scole mastur comyth to town, but that every child to resort to the comyn scole in payne of forfetyng to the chaumber of the towne 20s. of every priste that doth the contrary." This claim of control over education and over the priesthood is remarkable. It was, moreover, effective, for we find that on July 20, 1629, the corporation dismissed the headmaster and usher of the school (*Historical Manuscripts Commission*, 10th report, app. part iv. pp. 425-6, 428; Mrs A. S. Green's *Town Life in the Fifteenth Century*, vol. II. p. 18).

the revenues of anie one house by a penie, whereby it may be upholden.'” We must, however, remember that this was written in the days of Queen Elizabeth, who loved her father’s memory, and we must not forget that the Gloucester Grammar School “lay void in 1535,” and that hundreds of other Houses and educational charities ceased to have any significance in the education of the people.

Doubtless Edward VI. desired to revive and strengthen the Grammar School system, and the preamble to statute 1 Edw. VI. cap. 14 (1547)—“An Acte whereby certaine Chauntries, Colleges, Free Chapels, and the Possessions of the same, be given to the King’s Majesty”—proposed the “alteration, chaunge and amendement of the same and converting to good and godlie uses, as in erecting Grammar Scoles to the education of Youthe in virtewe and godlinesse, the further augmenting of the Universities and better provision for the poore and nedye.” But the money derived from the sale of the Chantry lands was applied to far other purposes, and the most that was done was the preservation of occasional schools. The Commissioners appointed to enter into the Chantry lands were, by section eight of the Act, empowered to assign lands in any place where the dissolved corporation “shoulde or ought to have kepte” a grammar school or a preacher “to remayne and contynue in succession to a Scoole Maister or preacher for ever, for and towarde the keepinge of a Gramer Scoole or preaching.” Under this section a considerable number of old schools were continued and constituted the New Grammar Schools. But the greater part of the settled lands were sold, and “educational endowments had to be left for later reigns, and largely to private munificence, the unique opportunity which the dissolution of the chantries presented for advancing the cause of education was practically lost¹.”

Edward VI.
and the Gram-
mar Schools.

¹ *The Yorkshire Chantry Surveys*, vol. i. preface by Mr William Page, p. xvi. Published by the Surtees Society, 1892.

"Edward VI. founded no grammar school in Yorkshire where one had not previously existed, and some of the educational foundations which are returned upon these certificates [of the Commissioners] appear to have been dissolved and the endowments confiscated....If inquiry be made, it will be found that very few, if any, of the so-called King Edward VI. Grammar Schools had their origin in the reign of that monarch. Up to the time of the Reformation nearly all education was maintained by the Church, and when the chantries were dissolved, practically the whole of the secondary education of the country would have been swept away, had not some provision for the instruction of the middle and lower classes been made by continuing, under new ordinances, some of the educational endowments which pious founders had previously provided'."

The following passage from Mr A. F. Leach's *English Schools at the Reformation*, 1546-8 (pp. 5-6), gives some remarkable information as to the effect of the Reformation in its political aspect on education in England. "The records appended to this book shew that close on 200 Grammar Schools (and the Schools of Winchester and Eton are included in the term Grammar School) existed in England before the reign of Edward VI. which were, for the most part, abolished or crippled under him. It will appear, however, that these records are defective. They are only the survivors of a much larger host which have been lost in the storms of the past, and drowned in the seas of destruction. They do not give, they could not from their nature give, a complete account of all the Grammar Schools then existing in England. Such an account is probably irrecoverable. The materials for it do not exist. Enough, however, can be gathered from other sources of information to permit the assertion to be confidently made that these 200 schools do not represent anything

School accommodation at the Reformation.

¹ *The Yorkshire Chantry Surveys*; preface to Vol. II. p. xi.

like all the Grammar Schools which existed in, or shortly before, the reign of Edward VI. Three hundred is a moderate estimate of the number in the year 1535, when the floods of the great revolution, which is called the Reformation, were let loose. Most of them were swept away either under Henry or his son; or, if not swept away, plundered and damaged."

Mr Leach (pp. 97—103) deals with the numbers attending grammar schools. His conclusions amply confirm the view that there was a period preceding the Reformation when national education was in a far more flourishing state than it was at the opening of the nineteenth century. He provisionally accepts the statement—the "almost incredible statement"—that the population did not increase between the Black Death and the reign of Elizabeth, and compares the schools of 1546 with the population of 1377. "Take, say, 300 Grammar Schools among 2½ million people. This gives one for every 8,300 people instead of one for every 23,000, as in 1865." Apart from the great towns, London, York, and Bristol, the 39 towns each with a population of under 10,000 and 26 of which had each a population of under 4000, had, every one, with the possible exception of Dartmouth, its grammar school. In Herefordshire there were 17 grammar schools for a population of 30,000. "Assume even that the population was not the same, in 1546, but doubled; cut off a fourth of the Schools as really Elementary; yet where should we find a population of 60,000 in 1860, or in 1896 for that matter, with 13 Grammar Schools at its command?" In Essex, again, a population of about 11,000 possessed 16 grammar schools. The opportunities of attending school before the Reformation were therefore great, and Mr Leach shows that these opportunities were largely taken advantage of, and that sound and learned scholars were produced. Had it not been for the old grammar schools, the new learning could indeed hardly have found a place in England.

Education in relation to the State, however, marks the

limits of this book, and so it is necessary to pass by with regret much of fascination in this period and to deal only with the dry and occasional vestiges of that relationship.

16. The following series of ecclesiastical documents show with sufficient clearness the hold that the Church continued to exercise over education. In the Articles to which there is attached a letter, sent by Queen Mary I. in March, 1553, to the Bishop of London, we find the following command: "that they (i.e. the Bishop and his officers) examine all schoolmasters and teachers of children, and finding them suspect in any ways, to remove them, and place catholic men in their rooms, with a special commandment to instruct their children, so as they may be able to answer the priest at the mass, and so help the priest to mass, as hath been accustomed¹." With this we may conveniently read a petition of the Lower House of Convocation to the Bishops in 1554: "16. Item, That an order be taken for the bringing up of yowth in good lernyng and vertue, and that the schole-masters of this realme may be catholick men, and all other to be removed, that are either sacramentaries, or hereticks, or otherwise notable criminous persons²." To these two references we must add Article 20 of the Articles set forth by Cardinal Pole to be enquired in his ordinary visitation within his diocese of Canterbury in 1557: "whether the common schools be well kept, and that the schoolmasters be diligent in teaching, and be also catholic and men of good and upright judgment, and that they be examined and approved by the ordinary³."

In the century or more that had elapsed since the time of Lyndwood, few ecclesiastical documents have been quoted; we now see that the policy and masterfulness of the Church had altered no whit, and that the desire of the Church that her flock

¹ Cardwell's *Documentary Annals*.

² Cardwell's *Synodalia*, vol. II.

³ Cardwell's *Documentary Annals*.

should receive instruction was as strong as ever. Other times and bitter conflicts had not altered the Church's continuous policy. Its strength and its desire were inextricably bound up in the training and education of the children of the country.

Shortly after the accession of Queen Elizabeth in 1559, the Queen issued a series of injunctions or articles for the guidance of both clergy and laity. Article 39 shows us that the subject

The Elizabethan policy.

of national education was in the mind of the Queen. It runs as follows:—"That every schoolmaster and teacher shall teach the Grammar set forth by king Henry VIII. of noble memory, and continued in the time of king Edward VI. and none other¹." This direction may well be read in conjunction with an Act passed in the previous year, 1559, "For the Restitution of the First Fruites, and Tenthes...to ThImperiall Crowne of this Realme," of which section 13, containing a special exemption in favour of education, ran as follows:—"Provided also that this Acte or any Thing therein conteyned shall not in anye wise extende to chardge...anny Scoole or Scooles or the Possessions or Revenues of them or any of them, with the paiment of any Tenthes or First Fruites²." The Queen, in fact, desired national education to be as little hampered in non-religious directions as possible. Moreover, it is necessary to note that at this very time the idea of education at the expense of local authorities begins to bud. In the Overseers' accounts of the City of Westminster, under the date 1561, we get the item: "To Bull for teachinge a childe...viii d.," and again in 1586, "Paied to John Creverne als ffoote toards his maintenaunce of his Learninge at the universitie at Oxenford and allowed him by the parishe xvi pence the weeke and paied to him for ii weekes...ii s. viii d."³

¹ Cardwell's *Documentary Annals*.

² 1 Eliz. c. 4.

³ See *Catalogue of Westminster Records*, by J. E. Smith, vestry clerk, 1900, p. 81 and p. 90.

The Courts of Justice also were now, as always, in favour of unfettered education. The following passage from Strype's *Annals of the Church under Queen Elizabeth*¹, dealing with events in the year 1581, illustrates this fact. "The favour shewn to schoolmasters in these times was remarkable, being commonly freed from taxes and ordinary payments, and had exemptions from personal services; commonly charged upon other subjects...But it seems, in a subsidy given the queen about this year, or the next, some that were assessors had cessed all schoolmasters, though it was not done before; or at least starting a question about it, upon some quarrel against some few of them; and so seeking the damage of all.....But upon this, the schoolmasters made an humble address to sir Walter Mildmay, chancellor of the exchequer, sir Roger Manwood, lord chief baron of the court of exchequer, Ro. Sute, John Clinch and John Sotherton, esqrs, barons of the exchequer; beseeching them, for the common benefit of a number of poor men, to favour them in this matter. Whereupon it pleased them to take the cause to protection; and to construe the statute both as the parliament men did mean it, and as they had still enjoyed it, to the common benefit of their whole company." This is probably the first record of combination among schoolmasters. But in matters of religion the schoolmaster was allowed no license. By statute 5 Elizabeth, c. 1, s. 4 (1562-3), the Oath of Supremacy set out in statute 1 Elizabeth, c. 1, was administered to all schoolmasters and public and private teachers of children. It may be noted here that, by Acts of the next reign², all schoolmasters and ushers were required to take also the oath of allegiance.

In 1567 the following important Article was included as No. IV. in Archbishop Parker's "Articles of Visitation": "Whether your grammar school be wel ordered? whether the number of the children thereof be furnished? how many

¹ Vol. III. Part I. pp. 76, 77.

² 3 Jac. I. c. 4, s. 9; 7 Jac. I. c. 6, s. 1.

wanteth? and by whose default? whether they be diligently and godly brought up in the fear of God, and wholesome doctrine? whether any of them have been received for money or reward, and by whom? whether the statutes, foundations, and other ordinances touching the same grammar school, and schoolmaster, and the scholars thereof, or any other having doing or interest therein, be kept? by whom it is not observed, or by whose fault? and the like in all points you shall enquire and present of your choristers and master." If this Article of Visitation was carried out, the result for education must have been of very great value. But the fact of such an Article being issued is in itself proof that there was in the air an educational policy as thorough in its detail as it was broad in its principle. Church and Crown alike were intent on educating the people. In Article XXII. of Archbishop Parker's "Visitation Articles" of 1569 we find the enquiry: "Item, Whether youre schoolemasters be of a sincere religion, and be diligent in teaching and bringing up of youth. Whether they teach any other grammar, then such as is appointed by the queene's majestie's injunction annexed to the same, or not." We also find a similar Article (LVII) in the articles to be enquired of within the province of Canterbury in 1576, and also in Article VII. of Archbishop Grindall's "Visitation Articles" of the same year¹. Not only were the Crown and the Church anxious on the subject of education, but the Legislature itself, giving voice to the wishes of the ministers of the Crown, took part in the movement.

In 1554 an Act was passed² entitled "an Acte touching Ordinances and Rules in Cathedrall Churches and Scooles." By the third section of this Act it was provided "that the Quenes Highnes may have like powre and auctoritee to make ordeine and establishe Statutes Ordinaunces and Foundations

Legislative
enactments
respecting
education.

¹ Cardwell's *Documentary Annals*.

² 1 Mariae, st. III. c. 9.

for the good Order and Gouvernement of suche Gramer Scooles, as have beene erected founded or established in any parte of this Realme by the most noble Princes King Henrye the Eight or King Edwarde the syxte, and of the Ministers and Scollers of the same Scoole, and to alter and transpose suche other Statutes and Ordinaunces ther made heretofore from tyme to tyme as to her Highnes shall seme most convenient." This Act exhibited an intention of a laudable character, and Mary's successor was no whit less anxious for the efficiency of the New Grammar Schools. By an Act of 1558-9¹ "wherby the Quenes Highness maye make Ordinaunces and Rules in Churches Collegiate Corporacions and Scooles" it was recited that rules and constitutions had not been as yet ordained and established for some of the schools founded by Henry VIII. or Edward VI. or Mary or Cardinal Pole, and the Act therefore gives to Elizabeth the power to make the necessary statutes, ordinances and orders.

An Act of the same year² "to annexe to the Crowne certayne Religious Howses and Monasteries and to refourme certayne Abuses in Chantreis" reserved, by section 9, from annexation lands or property limited or appointed by any of the annexed corporations "to any Scole Master or to the finding of any Scole or Scolers to lerning." Moreover, by section 10 of the same Act it was provided that the Act should in no wise extend to any College hostel or hall in, or to any Chantry founded in, either of the Universities, "or to any Chantrey founded in any other place for the mayntenance of a Gramer Scoole or lerning or where the Chantrye Preest is also appointed to teache children." But the Queen reserved to herself the power to change the names of such Chantries, and all superstition in them, "for the more advancement of vertue trewe religion or lerning as to her Highnes wisdoms shalbe thought meete and convenient."

The desire of the Legislature to intervene on behalf of

¹ 1 Eliz. c. 22.

² 1 Eliz. c. 24.

national education was further shown by a provision for the protection of elementary education contained in the Statute of Apprentices of 1562-3¹. This statute, which was repealed in 1875, consolidated and amended the long line of enactments that dealt with (to use modern phraseology) arts and crafts and technical education. The Act dealt partly with the compulsory service of unmarried women between the ages of twelve and forty years, and of both sexes between the ages of ten and twenty-one years in husbandry, and partly with the apprenticeship of young persons to the various trades, crafts, arts and mysteries of the time, "to be enstructed or taught in any of the Artes Occupacions Craftes or Misteries which they or any of them (the masters) doo use or exercise." In section five certain persons are exempted from compulsory service, and among these are "a Gentleman borne" and "a Student or Scoler in any of the Universitees, or in any Scoole." Such legislation, and other legislation that will be subsequently quoted, show that learning was regarded as a national matter in the spacious days of the Queen whose scholarship the learned Ascham held in such respect.

⊗ It was not the fault of the Elizabethan policy that it had to deal with machinery deliberately wrecked by the predecessors of the great Queen. All that could be done under such circumstances seems to have been done. Not only was a real effort made to reform the administrative abuses that existed throughout the grammar school and University systems, but special machinery was created to deal with abuses in particular foundations. The Commissioners for Charitable Uses, appointed pursuant to the statutes 39 Elizabeth, cap. 6, and 43 Elizabeth, cap. 4, had power to enquire into any abuses of charitable bequests or donations, and to rectify the same on decree. The Act creating these Commissioners

Elizabethan
Educational
Reform.

¹ 5 Eliz. c. 4. See s. 5; ss. 17-20.

X was only repealed in 1888, and decrees were made as late as the early part of the nineteenth century. Some 33 schools were reformed by the Commissioners, but the efficiency of this method of reform was marred by the fact that an appeal lay to the House of Lords by way of the Court of Chancery, and in the lamentable days of the eighteenth century, when equity had ceased to flow from the conscience of the King, or flowed so slowly that it was transmuted into inequity, the efficiency of Elizabeth's admirable creation was hampered by the fear of an appeal. The criminal harm that was done to secondary education by the Court of Chancery in the days before the Judicature Acts of 1873 and 1875 must never be forgotten. In this matter no blame can be alleged against the Tudors. Elizabeth and her ministers did almost all that was possible to be done towards the re-creation of the machinery that her father and her brother's ministers had destroyed.

17. It will be convenient in this place, where naturally the incorporation of the Universities by statute would be mentioned, to make some more general notes on the question of State interference with university education in England. The two great English universities have for long ages enjoyed a peculiar freedom that seems to have had its origin rather as a matter of prescriptive right than as the result of definite legislation. Such an apparent anomaly was to the mediæval mind, which certainly never regarded the King as the sole fountain of justice, probably no anomaly at all. There was nothing unnatural in an university which was *imperium in imperio*, a veritable republic of letters with its own franchises and municipal laws, in ages when every manor had effective customary laws, when large areas such as the Duchy of Cornwall had for many purposes an independent "common law," and when the very fact of learning implied privileges of a remarkable character. The free nature of the Universities

must, previous to the fifteenth century, have been complete or else such a statute as that which was passed in 1421 would have been needless. It is not indeed till early in the fifteenth century that any parliamentary interference with the Universities can be traced.

By a statute of the year 1407¹ the franchise "now late granted to the Scholars of the University of Oxenford" is exempted from the liberties confirmed by statute in the first year of the new King and this refusal to allow the franchise was specifically confirmed by statute in 1411². In 1408 we find that Lord Thomas Arundel, Archbishop of Canterbury, ordains "that no book or treatise composed by John Wicklif, or by any other in his time, or since, or hereafter to be composed, be henceforth read in the schools, halls, inns or other places whatsoever within our province"—a sufficient limitation of general reading—"and that none be taught according to such [book] unless it have been first examined, and upon examination unanimously approved by the Universities of Oxford or Cambridge, or at least by twelve men chosen by the said universities, or by one of them under the direction of us, or our successors; and then afterwards [the book be approved] expressly by us, or our successors, and delivered in the name, and by the authority of the universities, to be copied, and sold to such as desire it³." This constitution on the one hand was a limitation of the free right to learn and teach in the Universities, and was therefore a limitation on the free development of these centres of learning, but on the other hand it placed enormous powers in the hands of the University authorities—a power, if we may believe the evidence of Erasmus as to the state of learning in the Universities a century later, which was scarcely used for the advancement of learning.

In 1421 came legislation that placed some check on the

¹ 9 Hen. IV. c. 1.

² 13 Hen. IV. c. 1.

³ Johnson's *Laws and Canons*. See p. 35 *supra*.

free development of the Universities in their republican aspect. The students of Oxford appear to have irritated the Crown authorities by raiding the surrounding country in armed bands, and Parliament ordained that the Common Law of the land should run in the University. The Act¹ provided that process should be made against clerks and scholars of Oxford who were wrong-doers "till they come to answer, or else be outlawed"; and if the justices "before whom such Outlawry shall be returned" certified the Chancellor of the University of such outlawry, the statute ordered that he should banish such students from the University. Even in this statute we see a tenderness that would have been shown to no other person or corporation. It was still the Chancellor who had to banish the offender. The law anticipated a refusal on the part of clerks and scholars to appear before the Crown courts and desired to meet any possible claim of University jurisdiction².

The subsequent history of legislation or Crown interference is (with two notable exceptions) one continuous grant of privileges to either or both Universities. It is not proposed here to deal with the course of quasi-private legislation by which special privileges and emoluments were bestowed upon the Universities and their halls and colleges. The Act of 1421 had little practical effect: for centuries the Universities maintained an exclusiveness that was fostered by the policy of the Church and by the favours of Parliament, but which existed rather by the inherent nature of the Universities themselves than by the gift of either Church or State. Indeed from first to last Oxford and Cambridge seem always to have received privileges as their right and to have regarded State intervention in their affairs as a presumption based upon force and not as the rightful act of a sovereign authority.

¹ 9 Hen. V. st. i. c. 8.

² In 1422 the turbulent behaviour of Irish students at Oxford necessitated legislation (1 Hen. VI. c. 3) placing restrictions on their admission to the University.

Some instances of special privileges conferred by Parliament may perhaps with some advantage be mentioned here. By a sumptuary Act of 1463¹ which dealt with the apparel and array of the Commons (as well of men as of women) it is provided, "That the Scholars of the Universities of this Realm, and Scholars of any University out of this Realm, may use and wear such Array as they may use and wear by the Rule of the said Universities, notwithstanding this Ordinance." There is a certain significance even in this slight privilege. An Act of 1535-6² is particularly noteworthy. It recites that the King for the purpose of nourishing the "increase of the Knowledge in the seven liberall sciences and the thre tonges of laten greeke and hebrewe to be by his people applied and larned" exonerated the Universities and the colleges of Eton and Winchester and "all officers and students and all offices, promotions etc. within them and all manors, lands etc." belonging to them from the payment of first-fruits and tenths. By section four of the Act each University was to maintain a lecturer to be called King Henry VIII.'s lecturer. This Act with its reference to the University curriculum at the beginning of the sixteenth century is a document of interest. X

18. Certain scattered references have already been made to the course of instruction in the schools of the country, and the necessary inference from the available material on the subject is that præ-Reformation education was far more effective than has been generally supposed to be the case.

Curriculum
at the Universities and
Grammar
Schools.

It is true that Greek had no place in English education from the middle of the eighth century to the middle of the fifteenth century. During these centuries the flame of Greek culture was kept alive in the capital of the Eastern Empire, but it cast no direct westward light before the year 1400, though some reflection of the philosophy of Aristotle and Plato was given to

¹ 3 Edw. IV. c. 5.

² 27 Hen. VIII. c. 42.

Western Europe by means of Latin versions'. The exclusion of Greek scholarship did not mean the absence of intellectual training.

We have seen that in the three London schools described by William Fitzstephen in 1185-7 the scholars received a severe and thorough training in the scholastic philosophy and in grammar. Boys who publicly canvassed the principles of grammar and discussed vexed questions relating to preterites and supines were receiving something other than an elementary education. Fitzstephen himself had a close acquaintance with the best Latin authors. In his life of Becket he quotes frequently from Virgil, Horace and Persius, and refers us to Cicero, Sallust, Ovid and other classical writers. Nor is this a solitary case. The value of Latin scholarship was necessarily appreciated in days when Latin was the vernacular of the learned.

We do not know when the meeting of schoolboys on festival days for the discussion of logical and scholastic problems ceased but the necessity for that training must have lasted into the sixteenth century, for we find that when Latimer was at Cambridge in 1521 it was still a question whether the new learning and the direct study of the Bible would drive the schoolmen out of the field. It was in that year that Latimer "forsooke the schoole doctours and such fooleries²." Even as late as the middle of the seventeenth century Selden remarks that "without school divinity a divine knows nothing logically, nor will be able to satisfie a rational man out of the pulpit³." In fact the logical training of the

¹ Cf. Gibbon, *The Decline and Fall of the Roman Empire*, Chap. LXVI. Manuel Chrysoloras, the Theologian and Grammarian (1355?—1415), introduced Greek letters to Italy as Lecturer at the Studium of Florence in 1396.

² See Arber's *English Reprints*, No. 2, 1868.

³ Selden (d. 1654). See his *Table Talk*, tit. Minister Divine. Thomas Hobbes (1588—1679), on the other hand, sneers at the 'vain philosophy' taught in the Universities and defines it as derived 'partly from Aristotle, partly from blindness of understanding.' (*Leviathan*, Part IV. "Of the Kingdom of Darkness," c. XLVI.) His own philosophy, he believed, might be 'profitably taught in the Universities.....the fountains of civil and moral doctrine'—a belief common to all philosophers of all ages.

Middle Ages lasted into comparatively modern times. The course of training in London in the twelfth century was therefore clearly continued.

Long before Stow's time the logical discussions had, however, been discontinued: "For," says Stow, writing in 1633¹, "I my selfe, (in my youth) have yeerely seene, on the Eve of Saint Bartholomew the Apostle, the schollers of divers Grammar-schooles repaire unto the Churchyard of Saint Bartholomew the Priory in Smithfield, where, upon a banke boorded about under a Tree, some one scholar hath stepped up, and there hath apposed and answered, till he were by some better scholler overcome and put downe. And then the overcommer taking the place, did like as the first: and in the end, the best opposers and answerers had rewards, which I observed not: but it made both good schoolemasters, and also good scholars (diligently against such times) to prepare themselves for the obtaining of this Garland." Stow amusingly describes the battles between Anthony's Pigs and the Pigeons of Paul's, which began with grammar and ended with blows from satchells full of books. The gradual decay of St Anthony's Hospital ended these time-honoured conflicts.

What was true of London was true in kind, if not in degree, of the better grammar schools throughout England. Higden and Trevisa in the fourteenth century, as we have seen², give us the idea of something much better than mere elementary education as the aim of the grammar schools of their days. Higden tells us that the children were compelled "to construe hir lessons and here thynges in Frensche," while Trevisa notes that John Cornwaile, a master of grammar, "chaunged the lore in gramer scole and construccioun of Frensche in to Englishe" and that the children "leueth Frensche and construeth and learneth an Englishe." Higden does not tell us what the "lessons and things" were, nor does Trevisa define "lore in gramer scole and construccioun." But

¹ Stow's *Survey of London*, p. 64.

² See page 20 *et seq.*

we know otherwise that both authors referred to the teaching of Latin grammar, to the acquisition of general knowledge with respect to daily life on the land and in the house, to the construing of the Latin Bible, of Latin chronicles, of Latin classical authors, to the teaching of dialectic and rhetoric and the general machinery of thought necessitated by the system of University teaching, to the study of the Bible through the medium of commentaries¹.

Grammar School Curriculum. The inclusion of theological questions in the grammar school course proves that theology was no neglected branch of learning. Archbishop Arundel's constitutions of 1408 forbid any book or treatise composed by John Wiclif or by any other in his time to be read in the schools, halls, inns or other places within the province of Canterbury, and in this prohibition is contained marked evidence of the advanced character of the education given in the grammar schools. Not only the great schools but remote and small schools prepared their boys for the Universities, and a falling off in the number of the grammar schools was followed by a corresponding diminution in the numbers at the Universities. This at any rate appears to have been the case in the mid-fifteenth century and must also have followed the Chantry legislation a hundred years later.

When we consider the difficulties that accompanied education before the Reformation the results achieved were remarkable. It is not difficult for a child to-day to learn to write. Before the year 1300 there was no paper, and even later it was difficult to obtain. Handwriting was, moreover, an art. It was no easy thing for a child to learn the involved caligraphy of the twelfth, thirteenth and fourteenth centuries. It was difficult even to learn to read from such manuscripts. Moreover the fact that printing was not yet invented left students dependent on educational hand-books that varied from manuscript to manuscript and deprived the schoolboy

¹ As to these commentaries cf. Leach's *English Schools at the Reformation*, pp. 103-4, 252.

and the scholar alike of reliable texts of the authors studied. In the face of all these difficulties education gained a strong hold in England.

Education was a necessity of everyday life, for without Latin the social machinery of the land would have been clogged. As Dr Stubbs points out, The necessity
of Latin. "in every manor was found someone who could write and keep accounts in Latin¹." Latin "was the language necessary for ecclesiastics—in which their rubrics, canons, liturgies, and the Bible itself was written, and above all, it was that in which the correspondence of the Church all over the world was carried on²." Every person who wished to take orders had to know Latin; every person who desired to move up in the social scale had to know Latin; Latin was part of the necessary equipment of any person who desired to fill any official position. One object of the grammar school was, therefore, the teaching of Latin as the language of everyday life among educated men throughout Europe. The second object was preparation for the Universities. It is clear that throughout the Middle Ages such preparation was carried on with a thoroughness worthy even of modern imitation. In the last quarter of the fifteenth century, and even later, the arts and sciences were still represented at both Universities by the Trivium and Quadrivium, the schoolmen still debated; Greek was unknown, though probably the Latin classics were read more or less widely.

By the opening of the sixteenth century Oxford was awakening and Erasmus could mingle with congenial spirits. Cambridge was, however, behind Oxford in the assimilation of the New Learning. Erasmus writes about 1516 from Cambridge, "Ante annos ferme triginta, nihil tradebatur in schola Cantabrigiensi praeter Alexandrum, parva logicalia, ut

¹ *Constitutional History of England*, vol. III. p. 371.

² Schools Commission (Scotland): *Third Report, Burgh and Middle Class Schools*, vol. I. p. 3. Cf. Leach, p. 105.

vocant, et vetera illa Aristotelis dictata, Scoticasque quaestiones. Progressu temporis accesserunt bonae literae; accessit matheseos cognitio; accessit novus, aut certe novatus Aristoteles: accessit Graecarum literarum peritia; accesserunt auctores tam multi, quorum olim ne nomina quidem tenebantur, nec a summatis illis Jarchis¹." Erasmus appears to have been the first teacher of Greek at Cambridge. In his *de Ratione Studii* he enumerates among the qualifications that should be found in a schoolmaster familiarity in all knowledge to be found in classical and especially Greek authors, and Colet approved of this view.

It is interesting to add to the evidence of Erasmus the preamble to the Act of 1535. The King expresses himself as anxious to nourish the increase of the knowledge of the Trivium and Quadrivium—Grammar, Dialectic, Rhetoric, and Music, Arithmetic, Geometry, Astronomy, the seven liberal sciences—and "laten, greeke and hebrewe to be by his people applied and larned." In some forty years the Universities had risen to the meaning of the new learning, and the old grammar schools were supplying apt scholars. Then the man who would have nourished the liberal sciences adopted a policy that eventually deprived the Universities of the best talent in the country. But such a blow was never aimed at the Universities. The obvious economic result had never been calculated. The policy of intentional protection was still at this date, as before and after, pursued.

By an Act of 1548², passed by a strange irony in the midst of the destruction of the Chantries, it was provided "that it shalbe lafull to anye man that understandeth the Greke Latten and Hebrewe tongue, or other straunge tongue, to saye and have the saide prayers heretofore specified of Mattens and Evensonge in Latten or anye suche other tongue, sayinge the same privatlie as they doe under-

¹ *Erasmus* by R. B. Drummond (London: 1873), vol. i. p. 207.

² 2 & 3 Edw. VI. c. 1, s. 6.

stande: And for the further encouraging of learnynge in the tongues in the Universities of Cambridge and Oxforde to use and exercise in their comen and open prayer in their Chapells, beinge noe [Parishes] Churches or other places of prayer, the Mattens Evensonge Letanye and all other prayers, The holie Comunion comenlye called the Masse excepted, prescribed in the saide booke prescribed in Greke Latten or Hebrewe; Anye thinge in this present Acte to the contrarie notwithstandinge." This provision was specially designed to encourage learning in the Universities and is an important intervention. The following Act of 1555-6¹ is also of interest, as it emphasises the special privileges that the Universities enjoyed in what may be called their municipal capacity. This Act forbade persons dwelling in the country to sell wares in cities and towns corporate by retail except at fairs, but it specially exempts the Universities from the operation of the Act: "Provided alwaie that this Acte or any thing therein contained, shall not be prejudiciall or hurtfull to the Lyberties and Privileges of the Universities of Cambridge and Oxforde or either of them: Any thing in this Acte heretofore mentioned to the contrary notwithstandinge."

∴ An Act of great importance was passed in 1558-9. It was the first Act placed by Elizabeth on the Statute Book, and was entitled "An Acte restoring to the Crowne thauncyent jurisdiction over the State Ecclesiasticall and Spirituall, and abolyshing all Forreine Power repugnaunt to the same." This statute enacted² "that also all and every person and persons taking Orders, and all and every other person and persons whiche shalbe promoted or preferred to any degree of lerning in anye Universitie within this your Realme or Dominions, before he shall receive or take any suche Orders, or bee preferred to any suche degree of learning, shall make take and receive the said Othe by this Acte set foorth and declared as ys afore-

The Universities and
Royal
Supremacy.

¹ 1 & 2 Phil. & Mar. c. 7.

² 1 Eliz. c. 1, s. 12.

said, before his or their Ordinarie Comissarie Chancellour or Vicechauncellour or their sufficient Deputies in the said Universitie." The obligation to take this oath of the supremacy in matters spiritual and temporal of the Crown was in itself a sufficiently small matter, but its importance lies in the fact that it was the forerunner of official oaths that were destined in the seventeenth and eighteenth centuries to lie lightly on the University conscience, while they oppressed as with a burden national education. This Act of 1558-9 was no sign of the withdrawal of royal favour. As we have seen¹, students or scholars of any of the Universities were exempted from the operation of the Statute of Apprentices of 1562-3.

Elizabeth, or her Ministers, moreover, by the incorporation of the Universities of Oxford and Cambridge in 1571² gave evidence of the regard felt for these centres of education as part of a national system. The opening to the preamble of the Act of 1571 must be here quoted: "For the greate Love and Favor that the Queenes most excellent Majestie beareth towards her Highnes Universities of Oxford and Cambridge, and for the greate Zeale and Care that the Lords and Commons of this present Parliament have for the Mayntenaunce of good and Godly Literature, and the vertuouse Education of Youth within either of the same Universities; and to thentent that the auncient Privileges Liberties and Fraunchises of either of the said Universities [here before] graunted ratified and confirmed by the Queenes Highnes and her most noble Progenitors may be had in greater Estymation and be of greater Force and Strengthe, for the better Increase of Larning and the further suppressing of Vice."

Incorporation
of the Univer-
sities.

In this statelie preamble occurs for the first time, so far as it seems possible to ascertain the fact, in any written or literary record the word 'education' in the modern meaning of that word.

First use of
the word 'edu-
cation.'

¹ See p. 71 *supra*.

² 13 Eliz. c. 29.

"The Mayntenaunce of good and Godly Literature and the vertuouse Education of Youth" is certainly a phrase in which the word 'education' is used in our modern sense, and it is apparently the earliest phrase in which it is so used. The Oxford English Dictionary gives the following passage from *Love's Labour's Lost*, Act v. Sc. 1, as the earliest instance of the use of the word 'educate' in the modern sense: "*Armado*. Do you not educate youth at the charge-house on the top of the mountain?" Steevens in his note on the passage assumes 'charge house' to mean 'the free school,' but the definition given in the Oxford English Dictionary of 'house for the charge of youth; (boarding) school' is perhaps preferable. The play was not written earlier than 1588 and it may be that is the earliest date at which the word 'educate' was used in its modern sense in English literature; but, as we have seen, the word 'education' in the same sense was used as early as 1571—at least 17 years earlier than the verb as used by Shakespeare¹. The word 'education' according to the Oxford

¹ The play gives us a momentary peep into the country parish where Sir Nathaniel was vicar or curate, and Holofernes the schoolmaster. Doubtless the man, with his whole-hearted pedantry and pleasant exhibition of Latin learning, was a vivid caricature of the village schoolmaster of that day, not drawn with the tender and sentimental pen that Oliver Goldsmith used for his schoolmaster, but probably drawn as Shakespeare always drew, close to the life. Moth, the page, tells us that Holofernes 'teaches boys the hornbook' (Act v. Sc. 1). In Act iv. Sc. 2, Nathaniel, the parish priest, says to Holofernes, "Sir, I praise the Lord for you, and so may my parishioners; for their sons are well tutored by you, and their daughters profit very greatly under you: you are a good member of the commonwealth." Holofernes replies with full consciousness of his importance: "*Mehercle!* if their sons be ingenuous they shall want no instruction; if their daughters be capable, I will put it to them." From this we may infer that most of the boys and girls in the parish were in Master Holofernes' school at 'the charge-house on the top of the hill,' and that the learned scholar did not confine his attention to the hornbook. It is interesting to note that he quotes from Lily's *Latin Grammar*, which was published in 1527. It would be valuable if one could generalise from Shakespeare's schoolmaster, and infer that the parishes without grammar schools had charge-houses for boys and girls under learned care. It must have been at such schools that boys learnt the Latin accidence to fit them for admission to the grammar schools.

English Dictionary was first used in the year 1616. This is clearly wrong.

At the time of their incorporation by Parliament in 1571 the Universities appear to have been in a none too healthy condition, if one may judge from the Act that Elizabeth found it necessary to pass in 1588-9 against the abuses in election of scholars, and from the contemporary evidence of William Harrison¹. Harrison, writing in 1586, says that the University colleges were erected by their founders at the first only for poor men's sons, whose parents were not able to bring them up unto learning, "but now they haue the least benefit of them, by reason the rich doo so ineroch vpon them. And so farre hath this inconuenience spread it selfe, that it is in my time an hard matter for a poore mans child to come by a felowship (though he be neuer so good a scholer & woorthie of that roome). Such packing also is vsed at elections, that not he which best deserueth, but he that hath most friends, though he be the woorst scholer, is alwaies surest to speed; which will turne in the end to the ouerthrow of learning.....In some grammar schooles likewise, which send scholars to these vniuersities, it is lamentable to see what briberie is vsed; for yer the scholer can be preferred, such bribrage is made, that poore mens children are commonlie shut out, and the richer sort receiued (who in time past thought it

¹ The Act, 31 Eliz. c. 6, is still in force. Previous to the Reformation "the Universities were furnished with undergraduates by most if not all of the conuentual schools in the kingdom. Thus we find that the Priory of Finchale in Durham sent students to Oxford, and paid them a 'pension.' It may therefore be inferred that such schools contributed many hundreds of scholars to the Universities." (*Account of the Obedientars of Abingdon Abbey*. Introduction by Mr R. E. G. Kirk, p. xlviii. Printed for the Camden Society, 1892.) The destruction of the chantries and the grammar schools throughout the country, which cut short the supply of fit candidates for university life, and the decay of the Universities were probably connected. It would be interesting to trace the extent to which overseers and vestries sent deserving scholars to Oxford and Cambridge in the sixteenth and seventeenth century.

dishonor to live as it were upon almes) and yet being placed, most of them studie little other than histories, tables, dice, and trifles, as men that make not the living by their studie the end of their purposes, which is a lamentable hearing¹."

The statute 31 Eliz. c. 6 attacked this corruption of educational foundation. The Act recited that "the intent of the Founders of Colledges, Churches Collegiat, Churches Cathedrall, Scoles Hospitalls Halles and other like Societies within this Realme" to have "the fittest and most meete persons" elected to fellowship and scholarship without gift or reward had been neglected and that the fittest persons were "sildome or not at all preferred...to the great prejudice of Learning and the Common Wealthe and Estate of the Realme." The statute imposed forfeiture upon him who taketh reward for his voice in such elections. The Universities were clearly in other ways ineffective. Francis Bacon in his *Proficience and Advancement of Learning, Divine and Human*, Book II, brings a heavy indictment against the Universities of his time. He found it strange "that they are all dedicated to professions, and none left free to arts and sciences at large.....Neither is it to be forgotten that this dedicating of foundations and dotations to professory learning hath not only had a malign aspect and influence upon the growth of sciences, but hath also been prejudicial to states and governments. For hence it proceedeth that princes find a solitude in regard of able men to serve them in causes of estate, because there is no education collegiate which is free; where such as were so disposed might give themselves to histories, modern languages, books of policy and civil discourse, and other the like enablements unto service of estate." He complains further of "the

¹ The expense of education at this date was also very great. John Howson (afterwards Bishop of Durham) in a sermon preached on 4 November (? December), 1597, complains of the few prizes open to the clergy after an education at school and the University that had cost the parent alone at least £500. (Burton's *Anatomy of Melancholy*, Ed. 1891, p. 205, footnote.)

smallness and meanness of the salary or reward" attached to University lectures and of the absence of "allowance for expenses about experiments." He also attacks the absence of consultation among the University authorities as to the character of the teaching, and he complains (he says the fault was "ancient and general") "that scholars in universities come too soon and too unripe to logic and rhetoric, arts fitter for graduates than children and novices; for these two, rightly taken, are the gravest of sciences; being the arts of arts, the one for judgment, the other for ornament." He attacks also the exercises used in the Universities, which "do make too great a divorce between invention and memory."

The State, however, in the time of Elizabeth—and we need not delay here to discuss the question whether Elizabeth or her Ministers or the Church deserve the credit—did all that was then possible in the way of reconstructing a national scheme of education; it gave freedom for elementary education, it attempted to purify secondary and higher educational foundations throughout the country, and it incorporated the Universities. The removal of all artificial drawbacks to education, the opening up to the fittest of all endowments, the granting of special protection to the Universities constitute the relationship of the Elizabethan State to national education.

19. It will be convenient here to collect together the subsequent legislation with reference to the Universities in order to exhibit the continuous policy of the State and the unchanging attitude of these centres of learning. We may perhaps accept Bacon's evidence as to the ineffectiveness of the Universities in the early part of the seventeenth century¹.

¹ In many ways University teaching at the beginning of the seventeenth century seems to have been far more efficient than Bacon admitted. Joseph Mede (1586–1638), the Tutor of Christ's College, Cambridge, full as his time was with independent literary labours and the ceaseless acquisition of learning, found time to give a large part of each day to his

But however immature the undergraduates may have been and however imperfect the organization of education was (and it was certainly destined to see no improvement for two centuries), yet the warm conservative relationship of the State and the Universities was fully maintained.

When Cromwell appeared upon the political stage the Universities clung with an ardent affection, justified by centuries of protection, to fallen royalty. "Nowhere," says Lord Macaulay, "was the spirit of loyalty stronger than in the two universities. Oxford declared that she would never swerve from those religious principles which bound her to obey the king without any restrictions or limitations. Cambridge condemned in severe terms the violence and treachery of those turbulent men who had maliciously endeavoured to turn the stream of succession out of the ancient channel¹." But Macaulay might also have mentioned, in a history planned upon so vast a scale, the significant fact that these "turbulent men" were at heart as well inclined to the University system as any of their Governmental predecessors. It is indeed remarkable in the educational plan for England which Cromwell devised that he should not only have consented to the continuance in an unaltered form of these centres of disaffection, but that he should actually have made a Government grant to the Universities. By Act 31 of the Commonwealth Acts of 1649² a specific grant of £2000 a year was made for the increase of the maintenance of the masterships of the colleges of both Universities.

Parliamentary grant to Universities in 1649.

pupils, and every evening they attended at his rooms to satisfy him that they had performed the task set for the day. Mede himself went to Cambridge at the age of 16. See *The Works of Joseph Mede*. (London, 1672.) King James I., no mean judge, had a high opinion of the work done at the Universities. When in 1605 he visited the Bodleian Library it is recorded of him that he exclaimed: "If I were not a king, I would be a university man." Burton's *Anatomy of Melancholy*, Ed. 1891, p. 351.

¹ *History of England*, vol. i. p. 477; and see the *London Gazette* for February, March and April, 1685.

² See p. 103 *infra*.

It is not necessary here to deal with the reasons for this grant or to set it off against losses, severe enough, suffered in other directions. It is sufficient to indicate the fact that the republican Government was prepared to recognise and subsidise the great centres of education.

With the Restoration the Universities resumed their position of proud exclusiveness. As centres of learning they were probably not far in advance of their position in the reign of Elizabeth. Greek learning in the reign of Charles II. was in a poor way in the Universities. The number of great Greek scholars in residence was few. "At Cambridge it was not thought by any means necessary that a divine should be able to read the Gospels in the original. Nor was the standard at Oxford higher¹." The Act of Uniformity of 1662 bestowed special privileges upon the Universities, in the provision² that "this Act shall not extend to the University Churches in the Universities of this Realme or either of them when or att such times as any Sermon or Lecture is preached or read in the [said] Churches or any of them for or as the publick University Sermon or Lecture but that the same Sermons and Lectures may be preached or read in such sort and manner as the same have been heretofore preached or read This Act or any thing herein contained to the contrary thereof in any wise notwithstanding³."

¹ Macaulay's *History of England*, vol. i. p. 396.

² 14 Car. II. c. 4, s. 19.

³ An Act that confirms the certain privileges of the Universities that existed before the Commonwealth had already been passed in 1660 (12 Car. II. c. 25). This statute was an act for regulating the sale of wine and against the adulteration of wines. Section 7 provides that nothing in the Act shall "in anywise be prejudicial to the priviledge of the two Universtyes of [the] Land or either of them, nor to the Chancelours or Schollers of the same or their Successors but that they may use and enjoy such priviledges as heretofore they have lawfully used and enjoyed Any thing herein to the contrary notwithstanding." An Act of 1698 (11 Will. III. c. 15) "for the ascertaining the Measures for retailing Ale and Beer," specially exempts the colleges and halls of the Universities from its provisions. These Acts are small matters, but they show the general drift of State policy in favour of University exclusiveness.

Some reference must be made to the contest between James II. and the Universities, as this throws into strong relief the position that has here been generally indicated as the most salient characteristic of English Universities—their claim to develop freely, unfettered either by national policy or by national fiscal or police regulations. By 1686 Oxford in certain quarters had become openly Romanized. It appeared as if Oxford by the beginning of the eighteenth century would be as determinately under the influence of Rome as it was at the beginning of the fifteenth century after the suppression of Lollardy. The Deanery of Christchurch was in the hands of a notorious Roman Catholic, and James boasted to the Pope's Nuncio that what had been done at Oxford should very soon be done at Cambridge¹. The Universities realized their danger—the greatest danger that had threatened them in their long history. Their policy had always aimed at a virtual independence under the suzerainty and protection of the Crown. But the Crown, for whose salvation they had melted down their silver plate forty years before, was now preparing to place them under the iron heel of Rome. The only course was stubborn resistance. The attack on their privileges was not long in coming, and it was not the less dangerous that it was made in the face of the Acts of Parliament that excluded Romanists from taking University degrees².

In February, 1687, Cambridge was ordered by the King himself to admit a Benedictine monk to the degree of Master of Arts. The answer was an uncompromising refusal, and the Senate was summoned to appear before the High Commission at Westminster on 21 April, 1687. They appeared, and Jeffreys as President of the Commission shouted down all argument, deprived the Vice-Chancellor of his position and his freehold

¹ Macaulay's *History of England*, vol. II. p. 88.

² Oath of Supremacy: 1 Eliz. c. 1, ss. 9, 12 (1558-9); 5 Eliz. c. 1, s. 4 (1562-3). Oath of Allegiance: 3 Jac. I. c. 4, s. 9 (1605-6); 7 Jac. I. c. 6, s. 1 (1609-10).

office as master of his college and bade the rest of the Senate "Go your way and sin no more, lest a worse thing happen to you'." The consternation of the Universities was perhaps equalled by their stubborn indignation. The bitterness of the feeling in Oxford at the rapidity of the movement against the freedom of the University was intense. On October 31, 1665, the Commons had thanked the University of Oxford "for their eminent loyalty to his majesty and his father of ever-blessed memory during the late Rebellion; especially for their unparalleled zeal and courage in refusing to submit to be visited by the usurped powers, and to subscribe the Solemn League and Covenant, and for those excellent Reasons they published to the world to justify their refusal, and to assert his majesty's righteous cause¹." In 1687 it was necessary to quarter a regiment at Oxford to prevent an outbreak as a result of the policy pursued by the son of King Charles I.

In September, 1687, the King himself visited Oxford, his father's headquarters during the Great Rebellion. Despite a favourable reception he proceeded to treat the fellows of Magdalen with contumely for their refusal to admit the papist Bishop of Oxford as their President. A special Commission was appointed to exercise visitatorial jurisdiction over the college, and on October 21, 1687, the Commissioners took their seats in the Hall of Magdalen². The President elected by the fellows appealed from the Commission "To our sovereign lord the King in his Courts of Justice," and the fellows as a body refused to admit that the visitation and the deprivation of their President was legal. They were thereupon condemned to expulsion and the High Commission pronounced the ejected fellows as incapable of holding Church preferment. The college was turned into a Roman seminary with Roman Catholic fellows.

¹ *State Trials*, vol. xi. cols. 1315—1340.

² *The Parliamentary History of England*, vol. iv. (1660—1668), cols. 328—9. See also *Commons Journals*, vol. viii. p. 623.

³ Macaulay's *History of England*, vol. ii. p. 296 *et passim*.

It was a Pyrrhic victory. All over England money was collected for the ejected fellows, and the decision of the High Commission was treated with contempt by the Bishop of Gloucester, who did not hesitate to institute a presentee of the ejected fellows. The attack on the privileges of the Universities, though successful in detail, as a whole failed, and when, on the death of the aged Duke of Ormond in 1688, the Chancellorship of Oxford fell vacant, the University at once elected the new Duke, and the King was unable to force his nominee, the notorious Lord Chancellor Jeffreys, upon the University. The Universities in fact, refusing to recognize defeat, emerged victors from a contest that decided once and for all the future of Roman Catholicism in England as a political power. In 1688 Oxford welcomed the insurgents, and in the same year Parliament vested in the two Universities the presentation of benefices vested in papists¹; in 1695 the hero of the glorious Revolution was welcomed by the elder University.

The Roman-
izing of Oxford.

The Protest-
ant victory.

The reign of Queen Anne saw a continuation of the policy of granting special privileges and exemptions to the Universities. In an Act of 1713¹, "to prevent the Growth of Schism and for the further Security of the Churches of England and Ireland as by Law established," which forbade any person to keep school or seminary for the instruction of youth before subscribing the Declaration and obtaining a license to teach from the ordinary, Section 8 gave special privileges to the Universities. It provided "that this Act or any thing therein contained shall not extend or be construed to extend to any Tutor teaching or instructing Youth in any College or Hall within either of the Universities of that Part of Great Britain called England." Such a provision was fully justified. The loyalty of the

Legislation
in the reign of
Anne.

¹ 1 W. & M. c. 26.

² 13 Anne, c. 7.

Universities to the Establishment could scarcely be doubted after the contest on one hand with Cromwell and on the other hand with James II.

A further Act of 1713 is evidence of the entirely Protestant character of both Universities. This Act¹ gave to the Universities power, in cases where they were entitled, to present to certain livings in consequence of the patrons and their presentees being "Popish Recusants convict," to exhibit bills in equity for the purpose of discovering secret trusts made or created by or for such papists or persons professing the "Popish religion." This measure was intended to render it impossible for any Roman Catholic directly or indirectly to present to, or to enjoy the fruits of, any living under the Establishment. The right of the Universities to present in such cases was scrupulously preserved. The intense suspicion with which Roman Catholic intrusion into the Universities was viewed is vividly exemplified by an Act of 1790², which is the last statutory echo of the contest between James II. and the Universities. The Act provided that "no person professing the Roman Catholic religion...shall keep a school in either of the Universities of Oxford and Cambridge."

It is not proposed here to trace further the legislative history of the Universities even in the general terms adopted in this section. The frigidity and lifelessness of both Universities in the eighteenth century is a matter of general information. Adam Smith in his *Wealth of Nations* (first published in 1776) says: "In the University of Oxford, the greater part of the public professors have for these many years given up altogether even the pretence of teaching³"; and Mr J. E. Thorold Rogers, in a footnote to this passage, adds: "The condition of Oxford during the seven years in which Adam

¹ 13 Anne, c. 13, s. 4.

² 31 Geo. III. c. 32, s. 14.

³ Adam Smith and his editor both neglect the fact that the Mathematical Tripos was founded at Cambridge in 1747-8 and that twelve Cambridge Professorships were founded in the eighteenth century.

Smith resided at Balliol College was lower than at any period of its history. Nominal orthodoxy was secured by the Act of Uniformity, nominal allegiance by the oaths of supremacy, abjuration, and political fidelity to the reigning house. But the University swarmed with profligates, was a nest of noisy Jacobites, and was at the meanest literary ebb. Its revival hardly commenced till the conclusion of the eighteenth century, when the examinations for degrees became something better than a mere farce. But the public teachers of the University, with some exceptions, received their salaries and neglected their duties up to the reform of 1854. That reform, though far from perfect, stimulated to some extent the academical conscience, and has induced some important changes. But the Universities will never be really national till they cease to be the tools of political and ecclesiastical ascendancy¹."

This last sentence is scarcely judicial in tone. It was not so much "political and ecclesiastical ascendancy" from which the Universities suffered as the pernicious atmosphere of the eighteenth century, which stifled their independence. It is doubtful if either of them were ripe for legislation of any kind before the beginning of the nineteenth century. In both an internal reconstruction seems to have been in progress, which enabled each to adopt when the time came the changes from without and from within which were requisite before the Universities could take their natural place in an organized system of national education.

20. We must now return to the ecclesiastical documents dealing with education. In 1580 the Privy Council issued a letter to the Archbishop of Canterbury on the subject of those who had fallen off from the Church of England, and ordered that all schoolmasters in public schools or in private houses should be examined touching their religion by the Bishop or his appointees, and if found corrupt or unworthy replaced by fit and sound persons. In obedience to this letter the Arch-

Church interference in education.

¹ *Wealth of Nations*, ed. 1869, vol. II. p. 346.

bishop issued articles of enquiry to each parish, of which the following are here in point :

"IV. Item, What schoolmasters are within your parish, and what their names are, that teach publicly or privately within any man's house within your parish, of what state, calling, or condition soever he or they be, in whose house or houses any such schoolmaster or teacher is ?

"V. Item, Whether any such schoolmaster, or schoolmasters, is reported, known or suspected to be backward in the religion now established by the laws of this realm, that are thought any way to be secret hinderers thereof ?"

The returns made to the Archbishop in these or in the previous articles of Archbishop Parker do not appear to be extant. If they are in existence they would be invaluable material in any detailed history of the conditions and extent of education towards the end of the sixteenth century. The necessity for such returns from the Protestant political point of view suggests a great deal of both public and private tuition and more than suggests an intolerable tyranny. These articles of enquiry were followed in 1581 by a statute which provided²:—"That yf any person or persons Bodye Politike or Corporate, after the Feaste of Pentecost next cominge, shall kepe or mainteyne any Scholemaster, which shall not repayre to Church as ys aforesaid, or be alowed by the Bisshopp or

Statutory
recognition of
Church control
of education.

Ordinarye of the Diocesse where suche Scholemaster shalbe so kept, shall forfait and lose for everye Moneth so keeping him ten poundes ; provided that no suche Ordinarye or their Ministers shall take any thinge for the said Allowaunce ; and suche Scholemaster or Teacher presuminge to teache contrarie to this Acte, and being thereof lawfullye [convicted] shalbe disabled to be a Teacher of Youth, and shall suffer ymprisonment without Baile or Mainprise for one yeare."

This Act is of high importance both in its immediate and ultimate consequences. It will be sufficient here to point out

¹ Cardwell's *Documentary Annals*.

² 23 Eliz. c. 1, s. 5.

that it supplanted by implication the common law of the realm, which, as has been shown, recognised the right of all persons to teach the young. It must not, moreover, be forgotten that this Act was for the most part political and neither it nor the articles of enquiry of 1580 can be laid wholly or indeed primarily at the door of the Church. It is somewhat surprising that a State should have adopted such a policy without also having recourse to a system of compulsory State education, more emphatic than that of 1876 and, according to the tradition of the time, more easily enforceable, and possessing the then crowning qualification of not only educating the people but also of extinguishing papist schoolmasters. It is a noticeable and remarkable fact that the position of the fifteenth century is now reversed; the Lollard is expelling the Papist, not the Papist the Lollard. The State, however, did not see its way to adopt a policy of compulsory education. It was considered sufficient to pursue the irksome and inquisitorial procedure of detecting heresy or so-called heresy among the teachers of youth.

In consequence of a letter as to recusants, dated May 28, 1581, from the Privy Council, Archbishop Grindall issued directions of enquiry of which the seventh article ran as follows:—"VII. Item, you shall inquire, whether any schoolmaster of suspected religion, or that is not licenced to teach by the bishop, or ordinary, doth teach in any public or private place within this diocese." Again in Archbishop Whitgift's letter relating to recusants to the Bishop of London, dated December 12, 1583, is enclosed a copy of articles recommended by the Privy Council in which we find advised "First, a general examination to be taken by the bishop in his province, of all the schoolmasters, as well public as private, with order that such as be unsound may be removed, according to the statute in that behalf provided¹."

It will be convenient here to insert the form of licence

¹ Cardwell's *Documentary Annals*. See 23 Eliz. c. 1, s. 5 (p. 94 *supra*).

granted by Archbishop Whitgift for teaching school. It is taken from Strype's *Life and Acts of Archbishop Whitgift*¹ and will illustrate the movement that we are now discussing.

“John by divine providence Archbishop of Canterbury, of all England Primate and Metropolitan; to all Christian people to whom these presents shall come, sendeth greeting in our Lord God everlasting. These are to let you understand, that upon receipt of sufficient testimony of the good life and conversation of William Swetnam, of the parish of St. Margaret Patens in London, fishmonger; and upon further examination of him, being first sworn in due form to the supremacy of the Queen's most excellent Majesty² and subscribing to the Articles agreed upon by the Clergy in anno 1562, we have licenced, and by these presents do licence the said William Swetnam, to teach and instruct children in the principles of reading, and introduction into the *accidence*; and also to write, and cast accounts, in any parish within the city of London, or our peculiar churches of Canterbury, within the said city. Enjoyning him, that every week he do instruct his children and scholars in the Catechism made and set forth by Mr Alexander Nowel, now Dean of the cathedral church of St. Paul in London: and that he with his scholars, so many as shall be of the parish where he shall teach, do usually and commonly resort and repair, on all *sabbaths* and *festival* days to the church of the parish where he shall so teach³: and he with his scholars do reverently hear Divine service and sermons, and dutifully and diligently attend thereunto. And also we will, this our licence to endure, during his good behaviour, and our pleasure; and no otherways. In witness whereof, we have caused this our seal of our office of principal registry to be put hereunto. Dated this 20th day of July, in the year of our Lord 1599, and of our translation the 16th.”

School-
master's
licence.

¹ Vol. III. p. 384, and see also vol. I. p. 468.

² In accordance with statutes 1 Eliz. c. 1, and 5 Eliz. c. 1, s. 4.

³ In accordance with statute 23 Eliz. c. 1.

This licence shows little of the tyranny over schoolmasters that was destined to develope in the course of the succeeding century, but it incorporates the legislation that imposed religious conformity upon the teachers of youth. Such conformity Church and Crown alike were determined to secure.

By the eighth Article of the Articles in the Visitation in the diocese of Chichester in 1585 we find the enquiry, "Whether doth any in your parish teach children publickly, or in any man's house privately; is such licenced by the ordinary; is he known to resorte to publick service, and to be of sound religion; doth he teach the catechism to his schollars, which was set out for that purpose; and doth he train up his schollars in knowledge of true religion now established, and in obedience to the prince or no?" The thirteenth Article in Archbishop Whitgift's Articles of Visitation in the diocese of Sarum in 1588 asked:—"Item, Whether you do know any scholemaster that doth teach within your parish without license of his ordinarie under his seal or no?"¹ Canon LXXVII. of the year 1604 declared that "No man shall teach either in public school, or private house, but such as shall be allowed by the Bishop of the Diocese, or Ordinary of the place, under his hand and seal, being found meet as well for his learning and dexterity in teaching, as for sober and honest conversation, and also for right understanding of God's true religion; and also except he shall first subscribe to the first and third Articles afore-mentioned simply and to the two first clauses of the said Article²." These subscriptions affirmed the King's supremacy over the Church of England, the true and Apostolic character of that Church, and censured those attempting to impugn the King's spiritual supremacy. This important canon followed the passing of the statute

Care of
Church and
State for
religious edu-
cation and
conformity.

¹ Cardwell's *Documentary Annals*.

² Davis's *English Church Canons*.

which provided that no person should keep a school or be a schoolmaster except he were specially licensed by the Archbishop, the Bishop or the guardian of the spiritualities of the diocese, or except he were in a public or free grammar school or in a non-recusant's private house. The punishment for the offence was a fine of 40s. a day¹. It is clear from the wording of the statute that the grammar schools at this date were absolutely under the control of the Church and gave no difficulty to the Bishops. Canon LXXIX. of 1604 ordered the teaching of the longer or shorter Catechism in English or Latin as children were able to bear, and the teaching of Edward VI.'s grammar and of none other². Article 46 of Archbishop Bancroft's Visitation Articles of 1605 enquired, "Item, Doth any take upon him to teach school in your Parish without special license of his ordinary: and whether doth your schoolmaster bring his scholars to the church to hear divine service and sermons³?"

In 1621 the King issued a letter to the Archbishop of Canterbury and the Bishop of Lincoln in respect to a contribution from the clergy, which contained the following somewhat remarkable passage:—"And we do further require, that you and the other Bishops do likewise move the same to all the schoolmasters, which have licence to teach within your or

¹ The text of the section (1 Jac. I. c. 4, s. 8) is as follows: "No person after the Feast of St Michaell Tharchangell next, shall keepe any Schoole, or be a Schoole Master out of any of the Universities or Colledges of this Realme, excepte it be in some publike or free Grammer Schoole, or in some such Noblemans or Noblewomans or Gentleman or Gentlewomans House as are not Recusants, or where the same Schoole Master shall be speciallie licensed thereunto by the Archbishop Bishop or Guardian of the Spiritualties of that Diocesse, upon paine that aswell the Schoole Master as also the Partie that shall retaine or maintaine any such Schoole Master contrarie to the true intent and meaninge of this Acte, shall forfeite each of them for every day so wittinglie offendinge fortie shillings" (see 1 Ventris's *Reports*, p. 41). Section 5 of the same Act forbade the sending of children beyond the seas to papist schools, colleges and seminaries.

² See Davis's *English Church Canons*.

³ Cardwell's *Documentary Annals*.

their several diocesses, not doubting of either your care, or their forwardness in this so necessary a service"—to wit the voluntary contributions of the whole clergy—"towards the support of this so necessary and justifiable a warlike defence." The result of this appeal from the Defender of the Faith was that the two Prelates recommended that the Bishops should by "all forcible reason" incite licensed schoolmasters "that with all readiness they do contribute unto this noble action¹."

In 1636 Archbishop Laud reported to the King, from the certificate sent to him by Matthew Wren, Bishop of Norwich, that measures had been taken for bringing that diocese into perfect order, and asking at the same time for instructions respecting scholars acting as schoolmasters in private houses, and on other points of ecclesiastical discipline. In Wren's orders and directions given in the diocese of Norwich we find the provision "that none of what rank soever do keep any chaplains, schoolmasters, ministers or scholars in their houses to read prayers and expound scriptures, or to instruct their family, unless they be thereunto enabled by law²." This was a sufficiently strong measure, but it was destined to be surpassed after the Restoration.

It is noteworthy at this period, when the Church under the direction of the Crown was assuming an inquisitorial attitude towards all instruction, that Parliament had in its mind the reformation of the whole system of national education. The name of John Amos Comenius, the first great continental writer on the theory of education, if we except Wolfgang Ratke (1571-1635), was not unknown in England. His views were possibly familiar to many thinkers. He was anxious to make learning absolutely universal. He desired that "tous les enfants, riches ou pauvres, et quelle que soit leur naissance, doivent aller à l'école. Tous doivent

Comenius,
the education-
al reformer
(1592-1671).

¹ Cardwell's *Documentary Annals*.

² *Ibid*.

apprendre tout; car chaque homme est un microcosme. Non pas que chacun puisse posséder à fond toutes les sciences, mais tous doivent apprendre à observer toutes les choses importantes, à réfléchir sur leur raison d'être, sur leurs rapports et leur utilité; car tous sont destinés à n'être pas simples spectateurs, mais aussi acteurs¹." Comenius advocated class teaching; he echoed Bacon's complaint as to the absence of experimental teaching in science; he desired an attractive system of education with kindly teachers, spacious class-rooms, and good play-grounds. His ideas were revived by Johann Heinrich Pestalozzi (1746-1827) and many of our modern and best methods can be traced back to the great Bohemian. Comenius recommended four stages of education: first definite home teaching of infants, then primary schools for all children without distinction, thirdly Latin or grammar schools, and lastly the Universities and foreign travel.

It was to this original thinker that the English Parliament proposed to submit the scholastic system of England.

Proposed
education
Commission,
1641.

In 1641 he seems to have been invited by Parliament to join a Commission intended to be appointed for the reform of the existing system of education. He arrived in England in September, 1641², only to find that the disturbed condition of the country rendered the appointment of the Commission on education an impossibility. He waited until August, 1642, when he passed on to Sweden, where he was given some opportunity of elaborating his educational system.

21. The Interregnum from the death of Charles I. to the restoration of Charles II. presents some remarkable examples of State interference in education which must be mentioned here, though the legislation does not appear, for reasons that have no longer

The Common-
wealth and
education.

¹ See Larousse, *Dictionnaire Universelle* (1869).

² See *John Amos Comenius*, by S. S. Laurie, pp. 74-5, 170-186. We may doubt if he was officially invited by the English Parliament.

any rational weight, among the statutes at large¹. By "an Act for the better Propagation and Preaching of the Gospel in Wales, and redress of some grievances. Die veneris, 22 Februarii, 1649," which was ordered by the Parliament to be forthwith printed and published², the first of three notable attempts to evangelise and educate Wales was made. The Act recited that "The Parliament of Eogland taking into their serious consideration the great Duty and Trust that lies on them to use all lawful ways and means for the propagation of the Gospel of Jesus Christ in this Commonwealth, in order thereunto, Do Enact and Ordain, and be it Enacted and Ordained by this present Parliament, and by the Authority thereof, That [*here follow 70 names*] are hereby constituted and appointed to be Commissioners in [*the 12 Welsh counties and Monmouthshire*]...That they the said Commissioners or any five or more of them, shall have full power and authority, and are hereby enabled and authorized to receive all articles or Charges which shall be exhibited against any Parson, Vicar, Curate, Schoolmaster, or any other now having, or that shall have any Ecclesiastical benefit or promotion within the said counties or any of them, for any Delinquency, Scandal, Malignancy, or non-Residency; and upon such Articles so exhibited, to grant out Warrants in Writing under the Hands and Seals of the said Commissioners, or any five or more of them, to be directed to the party against whom such Articles shall be exhibited, requiring his appearance before such Commissioners." It is clear that Parliament regarded a schoolmastership as an appointment that ranked with a benefice. The Commissioners

Welsh Education Act,
1649.

¹ It is a matter of considerable inconvenience to students that the legislation from 1640 to 1660 is excluded from the statutes at large. An authorised version of such statutes might well be published. The official *Acts of the Parliaments of Scotland* gives the Commonwealth legislation for Scotland 1648—1660 (vol. vi. pt. II.)

² London: Printed by Edward Husband and John Field, Printers to the Parliament of England, 1649.

Wife or Children, or any of them ; Provided always, That such allowance so to be made to such Wife and Children, do not exceed the yearly sum of thirty pounds." The Act was merely of a provisional nature and was ordered to be in force for three years from March 25, 1650, and no longer.

This remarkable Act of Parliament shows clearly that the question of national education was vividly before the mind of the legislators of the Commonwealth. We can point to at least one secondary school that owes its existence to these Republican Church and School Commissioners for Wales. The Cardigan Free Grammar School was founded and endowed by order of the Commissioners for the Propagation of the Gospel in Wales in 1653. After the Restoration the endowment reverted to its original owners, and the school was subsequently supported by the corporation of Cardiff aided by a private endowment of the year 1731¹. In the same year as the Act for Wales was passed a law dealing with general education was placed upon the Statute Book.

By Chapter 31 of the year 1649 the first-fruits and tenths created by Henry VIII. were vested in trustees upon trust "to pay yearly, all such Salaries, Stipends, Allowances and provisions, as have been limited or appointed for preaching the Gospel, Preaching Ministers, or Schoolmasters or others in England or Wales, settled or confirmed by Ordinance or Order of Parliament," and then to pay such provisions, settlements, yearly allowances and augmentations as had been made or confirmed by authority derived from Parliament for preaching ministers or schoolmasters for so long as had been or should be ordered by Parliament; such payments, to the extent of £18,000, to be paid out of the King's tithe rent of £20,000, while the residue of the said tithe rent was to be applied to the increase of the maintenance of the masterships of the colleges

First-fruits
and tenths
diverted to
education.

¹ See *Reports of Inquiries of Charity Commissioners*, vol. xxviii. (1834), p. 593.

Church Universities. It was further provided, and the provision continues, "that no sum of money in the history of this State and for education as the first instance of a proposed grant for national education from the central Government, that of the first grants and terms passed did not reach the sum

£ 20,000 then some other part of the yearly Parliamentary revenue was to be assigned to be provided to make up the deficiency. This allocation to education of the minimum sum of £20,000 received in 1847 was the first grant made by Parliament under the present educational system.

That grant made in 1855 for the running of schools, also was limited to £20,000 annually.

II. What extent this conventional legislation affected the history of State aid for education it is difficult to say, but it is almost impossible to resist the conclusion that the invention—for it was no less a thing—was the parent of the Connecticut Act of 1850 and inspired the minds of the early legislators of Massachusetts in that scheme of State education which was formulated in 1695 and to which we shall have occasion to refer in the next chapter. It also seems more than probable that the scheme of compulsory Church-connected education which was adopted in the Isle of Man in the year 1714 owed its birth to the conception of the Republican Parliament. One may compare the Commonwealth legislation not only with national systems of education devised by English communities, for we find also that the French Revolution produced an elaborate and possibly well-conceived scheme. In April 1793 Combarcet brought before the Convention a remarkable "Rapport et projet de loi." This *projet* proposed that for every collection of *hommes* with 400 inhabitants there should be "une école primaire." The children were to receive their religious instruction in the churches of their denominations without State aid.

¹ See Scobell's Acts of Parliament.

In each district or department "écoles secondaires" were to be established, with a curriculum comparable with that which obtains in our Higher Grade elementary schools. There was to be a third and final stage of teaching undertaken by 110 institutes. There were to be also nine University Colleges, and a National Society of Arts and Sciences to superintend the whole system. The proposal came to nothing, but by a decree of June 8, 1793, primary schools were established throughout France. The scheme had a good many points in common with the Massachusetts system, and England apparently owes to Condorcet's idea its present misleading nomenclature. On December 25, 1793, it was decreed that all children from the age of eight should attend school, and the same decree provided the machinery for fining any parent or guardian who failed to send a child under his or her charge to school¹. In all these early systems we see foreshadowings of the State system adopted in England in 1870.

French
compulsory
education
decree, 1793.

22. With the return of the Stuarts and the re-establishment of the old order under new safeguards the development or rather the decadence of national education took its appointed course. By the Act of Uniformity of 1662² it was provided that "every School master keeping any publique or private Schoole and every person instructing or teaching any Youth in any House or private Family as a Tutor or School master who...shall instruct or teach any Youth as Tutor or Schoolmaster" should subscribe a declaration that he would conform to the Liturgy as by law established. Section 7 provided that schoolmasters teaching in private houses without license should suffer three months' imprisonment for the first offence, and the same term with a fine of five pounds for the second and third offence.

The decay of
post-Reforma-
tion education.

¹ Dalloz, *Jurisprudence Générale*, vol. xxxiv. pt. II. pp. 1321, 1327, 1328.

² 14 Car. II. c. 4, s. 6.

This Act was quite exhaustive in its provision for the spiritual control of schoolmasters. The rapid spread of dissent had frightened the Commons and measures of unequalled stringency were adopted. The Act was passed on May 19, 1662, and was directed to take effect from August 24. The House of Lords vainly endeavoured, with the wisdom that the Upper House has often shown at crucial moments, to introduce more lenient provisions on behalf of schoolmasters.

"The power of the ordinary in granting licence to schoolmasters had been declared in the Injunctions of queen Elizabeth (No. XLIII.) in the canons of 1603, in the statutes 23 Eliz. c. 1. and 1 James I. c. 4; but the further power of requiring such schoolmasters to subscribe a declaration of conformity to the liturgy of the church of England, was given for the first time in the act of uniformity, 13 and 14 Charles II. c. 4. The house of lords remonstrated against this clause, but was overcome by the pertinacity of the commons¹." Dr Cardwell also tells us, in reference to Archbishop Sheldon's letter of 1672 to his suffragans on the increase of sects and the necessity of using the Catechism, that "when the act of uniformity was in progress, in the year 1662, the house of lords, in a conference with the commons, proposed that the clause requiring subscription from schoolmasters should be withdrawn, but were induced to abandon their proposition, on being told of the force of education, and the danger of entrusting it to the hands of dissenters²."

The Act of Uniformity was followed by an Act of 1665 entitled "An Act for restraining Non-Conformists from inhabiting in Corporations³," which forbade Dissenters to teach in any public or private school under a penalty of £40. To make the Act effective it was supported by stringent orders from Archbishop Sheldon to the Bishops of his province in

¹ Cardwell's *Documentary Annals*, vol. II. p. 325 (footnote).

² *Ibid.* vol. II. p. 337 (footnote).

³ 17 Car. II. c. 2—the 'Five Mile' Act—s. 3.

1665. By Order 4 "concerning schoolmasters and instructors of youth," it was commanded "that before the said feast day of our blessed lady St Mary the virgin, they and every of them particularly certify me, how many, and what free schools are within their respective dioceses, and where, and by whom founded, and how endowed, and the names, surnames, and degrees of the schoolmasters and ushers in the said free schools; and also the names, surnames, and degrees of all other public schoolmasters, and ushers, or instructors, and teachers of youth in reading, writing, grammar, or other literature, and whether they be licensed, and by whom; as also of all public mistresses of schools and instructors and teachers of young maids or women; and of all other men and women, that keep scholars in their houses to board or sojourn, and privately teach them or others within their houses; and whether the said schoolmasters, ushers, schoolmistresses, and instructors, or teachers of youth, publicly or privately, do themselves frequent the public prayers of the church, and cause their scholars to do the same; and whether they appear well affected to the government of his majesty and the doctrine and discipline of the church of England¹."

The thirst of the Archbishop for information was the thirst of the Sahara; unlimited, unquenchable, unproductive. The order was absolutely exhaustive; it was drafted with admirable skill, and, if one may judge by the state of education in England in the succeeding century, it was the crowning effort of a policy that produced a century of educational sleep.

The movement had not, however, exhausted itself. On February 27th, 1672, the Attorney-General (Sir Heneage Finch) was desired to prepare a Bill "enjoining all Persons that are in Ecclesiastical Preferment, under a Penalty, to catechise and instruct the Youth,.....every Sunday in the Afternoon, in the Church Catechism²." In his letter of February 6, 1672,

¹ Cardwell's *Documentary Annals*.

² *Commons Journals*.

Archbishop Sheldon enjoins the use of the Catechism "and that (by the most effectual remedies that may be) such as, without license, either publicly or privately teach school within your lordship's or their [his officers] jurisdiction be forthwith proceeded against, according to such rules as are prescribed unto us for their restraint." He adds that the schoolmasters must take the requisite subscription, oaths, and declaration. "The Catechism to which he refers," says Dr Cardwell, "was probably the small Catechism of dean Nowel, which was printed originally in 1570, again in 1572, in Greek and Latin in 1573, and so on from time to time in many subsequent impressions, and was used generally in schools, as Strype informs us, down to his own time, the end of the 17th century."¹

In 1678 Archbishop Sancroft gave directions to his suffragans as to the nature of the testimonials required by a person for obtaining the order of deacon or priest, or the employment of a parson, vicar, curate or schoolmaster. In fact by the end of the seventeenth century we find that the office of teacher was as much under the control of the Church as it was at the end of the eleventh century.

It is pleasing to conclude a record of political time-serving with the one of the few vestiges of educational reasonableness that the public, as opposed to local and personal, records of a disappointing century appear to possess. In 1695 Archbishop Tenison, in a letter to the Bishops of his province, orders

Archbishop
Tenison's
educational
policy.

"that you take all possible care that there be good schoolmasters in the several public schools within your diocese, not licencing any but such as upon examination shall be found of sufficient ability, and do exhibit very satisfactory testimonials of their

¹ *Documentary Annals*, vol. II. pp. 337-8 (footnote). Compare this statement with the direct reference to Dean Nowel's Catechism in the form of licence issued by Archbishop Whitgift in 1599, and cited above p. 96.

temper and good life; that so in the education of youth, especially such as are designed for holy orders, there may not be an ill foundation laid¹."

It was, alas! too late. For the third time in the history of England, national education was smitten down. We have seen the failure of the first Saxon system. We have seen how the combined influence of the suppression of Lollardy and free thought on the one hand and the destruction of the Chantry schools on the other undid mediæval education. We now see how the new education that arose after the Reformation out of the ruins of mediæval education was itself rendered valueless as a national institution by a policy begun, in spite of herself, by Elizabeth, intensified in the unwise times of the Stuarts before the Restoration, and completed in the timorous and tyrannical days of the restored monarchy. Not even the efforts of good Archbishop Tenison could awaken education, as the State understood education, from sleep.

We are not concerned here with the merits or demerits of the ecclesiastical policy of the Tudors and the Stuarts in so far as it concerns the history of England at large, but as regards popular education, a more benighted and heartbreaking policy was never conceived. Education could only be given by those who accepted without reservation the tests and tenets of the Church of England as by law established and who were prepared to suffer any indignity that the Legislature and the Bishops might devise. So purely place-men were the schoolmasters of the realm that they were ordered to contribute "with all readiness" to the war chest of Charles I. and were till a late date subjected to a ceaseless and intolerable inquisition into their beliefs and thoughts at the hands of Bishop and Crown alike. The schoolmaster was forbidden by law to think for himself, and indeed the possibility of thought was extinguished by the method of selection employed. The fear of the universal

¹ Cardwell's *Documentary Annals*.

spread of dissent created a dread of free education as plainly at the end of the seventeenth century as was the case in the beginning of the fifteenth century. The possibility of a more excellent way did not occur to the politicians of either period. It did not appear feasible to obtain by liberal treatment the same results as were aimed at by a policy of stern and harsh repression. We may, perhaps, appreciate the motives that lay behind the policy of both Church and State—a policy that was unworthy of a great community and of a noble establishment. but it is impossible not to recognise that such a policy could only have one end: a suspension of education until a new method of effort and thought should evolve a new system. It remains for us to see how for the fourth time education was brought to England.

CHAPTER IV.

THE BEGINNINGS OF STATE EDUCATION IN SCOTLAND, IRELAND, THE COLONIES, THE ISLE OF MAN AND JERSEY.

23. THIS book does not profess to deal directly with education in Scotland, but it will be found useful for comparative purposes to refer in some slight detail to the efforts made in that kingdom, in Ireland, in the Isles of Man and Jersey, and in the colonies, for the advancement of youth in early times, and at this moment of pause it can be done with advantage. The history of education in Scotland is peculiarly instructive, and in the seventeenth century it has, unfortunately, as it seems, some points in common with the general movement in England.

Scotch
education
and the State.

In the general report, dated December 14, 1867, of the Assistant Commissioners appointed to enquire into the Burgh and middle class schools, we find the following passage¹: "Schools for Latin, to which were subsequently added 'Lecture' schools for English, existed in the chief towns of Scotland from a very early period. We have authentic notice of a school in Aberdeen in 1124. The schools of Perth and Stirling were in existence in 1173, and Charters quoted in Chalmers' *Caledonia*² mention other schools, both in the

¹ *Third Report of the Schools Commission (Scotland)*, vol. i. pp. 1, 2.

² Vol. i. p. 767, footnote (l).

twelfth and the subsequent century. It would serve no good purpose to enumerate them all, but we may specify St Andrews, whose school was under the charge of a rector in 1233; Aberdeen and Ayr¹, of which we have notices in 1262 and 1264; Montrose, which had the honour of receiving a small endowment from Robert the Bruce in 1329; and, speaking generally, it may be said that all the chief towns, and many that have since sunk into obscurity, had schools, such as they were, before the beginning of the sixteenth century. The statute of the Scottish Parliament in the reign of James IV. (1494), which ordains that barons and freeholders who were of substance should put their eldest sons or heirs to the 'schules fra they be six [eight] or nine years of age, and to remain at the Grammar Schools quill they be competentlie founded and have perfite Latine,' is conclusive and satisfactory proof on this point². These schools were under the direction of the Church, and were closely connected with the cathedrals, monasteries, and other religious establishments of the country. Thus, the monks of Dunfermline were directors of the school of Perth

The
Compulsory
Education
Act, 1496.

¹ It may be added that Ayr is mentioned in 1233.

² This statute was passed at Edinburgh on June 13, 1496. It may be compared with the statute which has been referred to above (p. 7) as attributed on insufficient evidence to King Alfred. The text of this earliest compulsory Act is given here, as the reference in the above report may mislead those using the official edition of the Acts.

"Apud Edinburgh, xiiii die junii, A.D. M,cccc,xvii. 3. Item It is statute and ordanit throw all the realme that all barronis and frehaldaris that ar of substance put thair eldest sonis and airs to the sculis fra thai be aucht or nyne yeiris of age and till remane at the gramer sculis quhill thai be competentlie foundit and haue perfite latyne. And thereftir to remane thre yers at the sculis of art and Jure sua that thai may haue knowlege and vnderstanding of the lawis. Throw the quhilkis Justice may reigne universalie throw all the realme. Sua that thai that ar schireffis or Jugeis Ordinaris vnder the kingis hienes may haue knowlege to do Justice that the pure pepill suld haue na neid to seik our souerane lordis principale auditors for ilk small iniure. And quhat baroun or frehaldar of substance that haldis not his some at the sculis as said is haifand na lauchfull essonye bot failyeis heirin fra knowlege may be gottin thair of he sall pay to the king the soun of xx li." *The Acts of the Parliaments of Scotland*, vol. II. p. 238.

and Stirling; Ayr school was connected with the church of St John the Baptist¹; the monks of Kelso were directors of the schools in the county of Roxburgh. Our first authentic notice of the schools of Dundee is a document in the 'Register of the See of Brechin, in 1434.' In that year, a priest ventured to teach without the authority of the Chancellor; and was in consequence summoned before the Bishop, and after duly acknowledging his offence was deprived of his office. The burgh of Edinburgh provided a school-house, and paid a salary to its teacher, at least as early as 1500; but the High School itself was dependent on the Abbey of Holyrood; and as late as 1562, Lord Robert Stewart, a natural brother of Queen Mary, was recognised by the Town-Council as patron of the High School, in virtue of his office as Commendator of the Abbey. Later still, in 1596, thirty years after the patronage had been handed over to the Town-Council, the rector of the school, who had then held his office for twelve years, thought to secure himself in his position by purchasing 'a gift of the Grammar School' from the Abbot of Holyrood. For this and other offences he was dismissed by the Town-Council. The Glasgow Grammar School, which existed early in the fourteenth century, was dependent on the cathedral church, and the Chancellor of the diocese had the appointment of masters and superintendence of education in the city. An offending priest, in 1494, who had presumed to teach grammar and other branches without due authority from the Chancellor, was summoned before the Bishop, and ordered to desist. In Aberdeen the early usage was as follows:—The Town-Council presented the master to his office, subject to the approval of the Chancellor of the Bishop, who instituted the presentee. We find frequent notices of this from 1418 downwards. The terms of the appointment of Rector in that year are in substance as follows: 'The

¹ In 1233 the rector of Ayr School was appointed to an office by Pope Gregory IX.

Chancellor of the church of Aberdeen to all the faithful—greeting: Inasmuch as the institution to the office of schoolmaster belongs to me as Chancellor, and an honest, prudent and discreet man has been presented to me by the Provost and Council of the burgh, and on examination has been found duly qualified, I have by letter of collation instituted him in the office *for the whole term of his life.*’ Incidentally, the last words (*‘pro toto tempore vitæ suæ’*) are important, as showing the tenure of office in those early times in Aberdeen.

“It is worthy of notice that the attempts of the Church to possess itself of the exclusive patronage of the schools, as distinct from the superintendence, were occasionally foiled. Thus, in 1485, a dispute arose in Brechin between the Duke of Ross, son of James III. and the Bishop of the diocese. Both claimed the right of presentation to the preceptory of Maisondieu, to which was attached the office of schoolmaster. The question was decided by the Crown in favour of the Duke of Ross, and in the enactment confirming his right, the king’s lieges are warned, ‘that none of them take upon hand to make any manner of persecution or following of the said matter at the Court of Rome, since it pertains to lay patronage’.”

Conflict
between
Church and
State.

This passage from the report of the Commissioners shows that a development took place in Scotland not dissimilar to that in England. We find the same Church control and the same occasional revolt and the same upholding of the lay position by the Crown. It is important, therefore, to keep the development of education in Scotland in mind in considering the same development in England. The report asserts, not altogether accurately, that the conditions were much the same in both countries. The teachers were ecclesiastics and were paid by altarges and, as late as 1519, the rector of the High School of Edinburgh had to be a priest¹. “Latin was the

¹ As has been pointed out (p. 12 *supra*) a schoolmaster in England was not necessarily a priest; nor had he a freehold office (p. 56 *supra*).

only subject included in the term Grammar, and Latin the only language taught in the Grammar schools as such." The Commissioners suggest from the analogy of England that the translation of the Latin was into French. "This was the custom in England, as late as the year 1350, when the innovation was first brought in by a schoolmaster, John Cornwall, of making his boys read Latin into English." Hebrew, French, Latin, Greek, even Gaelic might be spoken, but no English was allowed for conversation either before or after the Reformation—it was merely used for purposes of translation.

Subjects of
instruction.

The lecture schools for English were likewise under the jurisdiction of the Church. In the case of Glasgow, "the Chancellor of the diocese in 1494 successfully maintained that no one, without his licence or authority, should be allowed to teach scholars in grammar, nor children in the elementary branches within the city¹." "On the whole," continues the report, "there is no reason to suppose that these lecture schools were numerous, or that any of the Grammar schools were very important or did much more than exist during the century before the Reformation....In the most favourable view, and if we substitute 1450, the year of the founding of the first college in St Andrews (the University itself had been founded in 1411) for the year 1400, Hallam's description of education in England may be transferred to Scotland. 'On the whole,' he says, 'we may be inclined to think that in the year 1400, the average instruction of an English gentleman of the first class would comprehend reading and writing, a considerable familiarity with French, and a slight tincture of Latin, the latter retained or not according to his circumstances and character, as school learning is at present².'"

¹ "Nulli liceat scholares in grammatica, aut juvenes in puerilibus per se clam aut palam intra praedictam civitatem instruere et docere."

² This passage from Hallam (*Introduction to the Literature of Europe*, vol. i. p. 72) must be received with considerable modifications, though he

The Commissioners seem to have under-estimated the efficiency of the Scottish grammar schools of the fifteenth century. They pointed out, however, that Scottish writers at the beginning of the fifteenth century acknowledged that those who were desirous of a liberal education had to seek it

Fifteenth Century grammar schools.	abroad and they considered that the Act of 1496, which referred only to the upper classes, was a proof of the state of national ignorance.
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If the Commissioners were right these schools were far behind the English grammar schools of the fifteenth century. Such may have been the case, but the rapid development of education in Scotland in the sixteenth century seems inconsistent with a state of national ignorance half a century earlier.

From the beginning of the sixteenth century general education rapidly advanced. John Vaus (1490?-1538?) in 1522 published his '*Rudimenta puerorum in artem grammaticalem.*' A second edition appeared in 1531, a third in 1533, and a fourth in 1566. 'The work is valuable to the student of early Scots, a great part of the book being in that dialect, though devoted only to Latin grammar'.

In 1561 Knox and the early Reformers added to the First Book of Discipline "certain regulations about schools and

himself regards his opinion as possibly rather too favourable. It is certainly doubtful if 'an English gentleman of the first class' in the year 1400 had 'a considerable familiarity with French,' and he certainly possessed a very considerable 'tincture of Latin.' Hallam's views as to the state of learning in England in the Middle Ages certainly understate the facts of the case, though he recognises that a rapid development of national education took place subsequently to 1350. Perhaps one of the most interesting signs of this development was the impetus given to book-collecting and library-making by Richard de Bury, Bishop of Durham (1281-1345), the author of the famous *Philobiblon* and the founder of the great mediæval library at Durham College, Oxford—a library scattered at the dissolution of the monasteries.

¹ *Dictionary of National Biography*, vol. LVIII. p. 188, tit. *Vaus*. In the same way the Anglo-Norman-Latin glossaries are valuable to the student of the Anglo-Norman dialects. See footnote, pp. 4, 5 *supra*.

colleges, which if they had been carried into effect would have given us before now an almost perfect system of education¹."

In 1558 a statute had been passed in England which had exempted schools from the operation of an Act declaring that the annual rents of benefices belonged to the Crown. The Parliament of Scotland in 1587 and in 1593 adopted similar measures, and this seems to have been the first point where the systems of education in the two countries—which to-day are still unassimilated—came into touch².

From the report of the Commissioners which deals with elementary schools in Scotland³ we learn that "the First 'Book of Policy' (1560-1) recommended that there should be a schoolmaster, 'able to read the grammar and the Latin tongue,' in every parish where there was a town of any reputation, and, in the landward parishes, that the reader or minister should take care of the instruction of youth.....In the year 1567 the Reformed religion was established by law; and by an Act of the same year, c. 11, Parliament conceded to the Church their claim that the 'superintendents or Visitours' should have the cognisance of the teachers of youth. Then came the Act of 1592—'the Great Charter of the Church'—re-enacting the statute of 1581, which had ratified the Act of 1567, wherein it is declared that none should be permitted to teach but such as should be tried by the superintendents or visitors of the church. At this time, however, it will be observed that there was no legal obligation to support parish schools."

On December 10, 1616, an Act of the Privy Council was

¹ *Third Report of Schools Commission* (Scotland), 1867, p. 5. See also Article 9, presented to the Parliament of Scotland, December 15, 1567. John Knox proposed that the entire revenues of the old Church should be devoted to the maintenance of schools, of ministers, and of the infirm poor.

² 1 Eliz. c. 4, s. 13. See also *Acts of the Parliaments of Scotland*, vol. III. p. 433, vol. IV. p. 18.

³ *Second Report of Schools Commission* (Scotland), 1867, pp. xxvi, xxvii.

passed in Scotland which required all persons, under specified penalties, to use the ordinary means of instruction for their children, to see to their regular attendance on the catechisings and examinations of the parish minister, and to present them duly for confirmation by the Bishop of the diocese'. In this Act is visible the traditional wisdom of that episcopalian King, James VI.

James VI and
the Scottish
schools.

This erudite monarch had not, however, confined himself to this important but oppressive measure. He had almost made State education ridiculous. On June 13 in the same year (1616) he had enforced, or attempted to enforce, in Scotland a provision that was already in force in England and Ireland—a provision that perhaps is as unconsciously humorous as any that is to be found in the history of education. It made imperative the use in Scottish schools and Universities of a book entitled *God and the King*, and it required the doctrine of the book to be taught by all ministers and schoolmasters, and ordered copies of this preposterous publication to be bought by all families any member of which could read¹. This order was enough to quench the torch of education and popularise the blessings of ignorance. Professor Masson, the editor of the *Register*, describes *God and the King* as “a wretched little affair, of no ability whatever.” Such was the intellectual and spiritual pabulum that the law prescribed for the three Kingdoms in the beginning of the seventeenth century. It was, of course, a political measure, and was, it need hardly be said, as unsuccessful as it deserved to be.

‘God and
the King.’

The second Act of 1616 was however important as well as oppressive. By an Act of the Scottish Parliament of 1633²,

¹ *Register of the Privy Council of Scotland*, vol. x. p. 672. The Commissioners, however, state that the parochial schools existed and were publicly maintained before 1616. *Report*, p. xxvii. See M'Crie's *Life of Melville*, p. 381.

² *Register of the Privy Council of Scotland*, vol. x. p. 534.

³ Act 5.

it was ratified, and the Bishop was empowered with the consent of the heritors and most part of the parishioners to enforce a tax or stent for the school on every plough of land. In 1639 we find a petition of the General Assembly for the erection of schools¹ and in 1640 an Act was passed which made it lawful for presbyteries to appoint stent masters to stent parishioners for the maintenance of schoolmasters².

In 1641 we read in the Overtours of the General Assembly to the Scottish Parliament the significant sentence: "Everie parish would haue a reider and a schooll wherein childrene ar to be bred in reading wryting and grundis of religioun according to the lawdable acts both of kirk and parliament maid befoire And where grammer schooles may be had as in burghes and in other considerable places (among which all presbyteriall seats ar to be reputed) that they may be erected and held hand to." The Overtours then proceeded to point out that the educational measures of Parliament should be entirely carried out by the Church and proceeded, "becaus the means hitherto named or appointed for schooles of all sortis hath bene both litle and ill payed, Thairfore besyd former appointmentis (the executoun whereof it is humblie desyred and to be petitioned for at the handis of his Majesty and the parliament) The assemblie wold farther supplicat the parliament, that they in their wisdome would find out how meanis salbe had for so good ane wse, especiallie the childrene of poore men (being very capable of learning and of good engynes) may be trained wp according as the exigence and necessitie of everie place sall requyre³."

Efforts
to provide
schools
throughout
Scotland.

Presbyterian
Church
control.

Whilst elementary education was thus receiving attention technical education for children was not forgotten. The

¹ *Acts of the Parliaments of Scotland*, vol. v. p. 594 a.

² Act 20.

³ *Acts of the Parliaments of Scotland*, vol. v. p. 646 b.

Scottish Parliamentary proceedings of 1641¹ inform us that it was considered desirable that in each shire there should be erected at least one school or house of virtue to which children from each parish should be sent for seven years to learn how to manufacture cloth, weaving and other stuffs. On the other hand the general conception of popular education did not find favour with all classes, for from an entry in the Parliamentary proceedings of October 5, 1641, it is clear that the "Nobility"—whatever that term may mean—were not in favour of schools in every parish.

In 1646 an Overtour of the General Assembly asked "That according to the frequentlie reiterat desires of this kirk the act of his majesties first parliament [1633, Act 5] concerning schooles be enlarged and made effectuell for founding and mainteining schooles in euerie congregation the want whereof is the maine obstruction of pietie and vertue in this kingdome²." This recital shows that the condition of general education was not so good in Scotland in the seventeenth century as is often supposed. Indeed one may say in passing that in some degree the effectiveness of general elementary education in Scotland has for all periods been exaggerated by various writers, whilst in England it has been under-estimated.

This Overtour was immediately successful. In the same year an Act of Parliament was passed entitled 'Act for founding of Schooles in euerie parochie.' The part of the Act which concerns our present investigation runs as follows: "That there be a School founded and a Scholemaster appointed in euerie parochie (not alreadie provyded) by advyse of the presbitirie And to this purpose that the heritors in euerie congregation meet amongst themselfis and pro-vyde a commodious hous for the schole and modifie a stipend to the schole master Whiche sall not be under Ane hundereth merkis nor above Tua

Parochial
Schools Act,
1646.

¹ *Acts of the Parliaments of Scotland*, p. 657 b.

² *Ibid.* vol. vi. pt. i. p. 552.

hundereth merkis to be payit yeirlie at tuo termes And to this effect that they set doune a stent vpon euerie ones rent of stock and teind in the paroche proportionallie to the worth thereof for mantenance of the schoole and payment of the scholemaster's stipend'.¹ This enactment is followed by provisions for the recovery of the rate, which must not be confounded with a charge in the nature of a tithe—the mistake made by Lord Robert Montagu in 1867. This invaluable enactment recognised the necessity for local provision of local schools and we must regret that no steps were taken to introduce a similar measure into England. The Act, however, was never put into operation, and in 1696 it was found necessary to pass a further statute to the same effect as that of 1646.

Reference must here be made to an Act of 1662² which brought education in Scotland into ecclesiastical line with the education given in England. This Act contained the following provision: "it is heirby ordained that none be heirafter permitted to preach in Publict or in families within any diocesse, or teach any publict Schooll, or to be Pedagogues to the childrene of persons of qualitie without the licence of the Ordinary of the Diocesse." In this we see the definite imposition of episcopal control. It must be remembered, however, that official control of education by the Church was no episcopal invention of the year 1662. As we have seen, Church control was, during the middle ages, in the main undisputed. An Act of 1567³ provided that all schools should be taught by masters tried by the superintendents or visitors of the Kirk. This was ratified in 1581⁴ and re-enacted in 1592⁵. In 1604—two years before the episcopalian invasion—King James, after the Conference at Hampton Court, sent Articles to Scotland directing that schoolmasters should be 'sound and upright in religion' and should hold their office at the pleasure of the Bishops.

¹ Act 171.

² Act 13.

³ *Acts of the Parliaments of Scotland*, vol. III. p. 42.

⁴ *Ibid.* p. 210.

⁵ *Ibid.* p. 541.

A statute of 1609¹ required that pedagogues should have a sufficient testimonial from the Bishop before going out of the Kingdom in charge of the children of persons of quality. If the control in episcopal days was complete it had nevertheless no advantage over the control exercised by the Presbyterian establishment.

Episcopal
and Presby-
terian control
of education.

An Act of 1693² declared all teachers to be liable to the trial, judgment and censure of the Presbyteries of the bounds for their sufficiency, qualifications and deportment; and the Act of 1707³, which secured the Presbyterian form of Church government, compelled all schoolmasters, however appointed, to subscribe the Confession of Faith, to conform themselves to the Church and to submit themselves to the government thereof before the respective Presbyteries of their bound. The outward form not the inward spirit of the Church was altered. The Episcopacy from 1606 to 1646 and again from 1662 to 1690 had claimed with the aid of a stern law of conformity the control of youth and the Presbyterian Church abated no jot of its predecessor's pretensions. The results of the conflict for control were visible enough. The Act of 1696, which re-enacted the Education Act of 1646, was necessary because intermediate legislation and interference had negated the force of the earlier Acts. Moreover the effects that were visible in the case of State-imposed primary education were not less noticeable in the case of the secondary system, which, though it derived no financial aid from the State, felt the full blast of the conformity legislation. But Scotland had not to bear all the disadvantages that England and Ireland were to suffer; for after 1689, at any rate, schoolmasters in Scotland were only asked to conform to a creed common to the different political phases of Presbyterianism. The Established Church maintained its control of education, and, after the secession of 1843, successfully claimed the right to eject members of the Free Church from both parochial and burgh

¹ *Acts of the Parliaments of Scotland*, vol. iv. p. 428. ² Act 38. ³ Act 6.

schools. Public grammar schools in the burghs came within the scope of the statutes from 1567 to 1707 confirming Church control of education¹ and therefore legally, though perhaps not historically, the Church had a jurisdiction in the large towns, that was capable of ousting even the jurisdiction of the town council². In consequence of the decision in the Elgin School Case, which affirmed that the masters of a public burgh school were subject to the jurisdiction, superintendence and control of the Presbytery, the Burgh and Parochial Schools Act, 1861, was passed and the control of the Church over secondary education was abolished.

Church control over primary education was exercised as strictly as in the case of secondary education and perhaps more usefully. The Act of 1696 was made effective by the untiring energy of the Established Church and schools were erected in every parish in the kingdom. These schools were probably not subject to a disadvantage that did considerable harm to secondary education. The parish schools were for a time sufficient and had no fear of competition. The burgh and grammar schools were, comparatively, few in number and existed in dread of opposition from private and unlicensed schools. The Church had the power to crush such schools and did so remorselessly. Not the Church only but also the town councils, the magistrates, nay, even the Privy Council itself³ strove to suppress private Latin schools and with only too great a measure of success. The number of private licences granted were insufficient for the population. In 1724 five

¹ *Third Report of the Schools Commission* (Scotland), p. 11.

² *Elgin Presbytery v. Elgin Town Council* (Court of Sessions Cases, 2nd series, vol. xxiii. pp. 287—322). This case was before the Courts for ten years, from 1850 to 1861. It is impossible here to treat of the part played by the town councils in the development of secondary education in Scotland. From early times they paid the salaries of the schoolmasters. An interesting account of the historical relationship of these councils to education is given in the report referred to in the previous note, p. 13 *et seq.*

³ Proclamation of 1680, quoted in the same report.

THE PAROCHIAL SCHOOLS ACTS, 1803, 1861.

Private teachers were considered sufficient for the city of Edinburgh. This licensing of private teachers lasted well into the nineteenth century. In the case of parochial schools, however, the system was gradually supplemented by voluntary schools. In 1803 it was necessary to pass an Act¹ regulating the duties of masters in parochial schools and to secure the erection of adequate school-houses. In 1834 the first Government Board of Education was made². The Parochial and Burgh Schools Act, 1846, introduced some needed changes. It gave the State power to establish female teachers and it largely modified the provisions of the Act of 1803 by which school-children were required to sign the Confession of Faith and the Catechism of the Church of Scotland. The Act substituted for the Confession the form of Declaration contained in the twelfth section. The statutory provision for a superintendence of schools was not taken from the ministers by this Act, and certain powers of management and superintendence were given by it expressly to the Presbyteries. The denominational question has however never really arisen in Scotland, and she can claim the distinction of having given a large proportion of her children in every parish of the kingdom, for two hundred consecutive years a sound elementary education.

21. When we turn to Ireland we find the same course of development. By a Statute of the Irish Parliament of 1807³ it was provided that any person on admission to any dignity, benefice, office or promotion spiritual, should take a corporal oath to "endeavour himself to learn, instruct, and teach the English tongue, to all and every being under his rule, cure order, or governance, and in likewise shall bid the beades in the English tongue, and preach the word of God in English, if he can preach, and also for his own part shall use and exercise

¹ 43 Geo. III. c. 54.

² 24 & 25 Vict. c. 107.

³ 4 & 5 Will. IV. c. 84.

⁴ 28 Hen. VIII. c. 15, s. 9.

the English order and habite, and also provoke as many as he may to the same, and also shall keepe, or cause to be kept within the place, territorie, or paroch where he shall have pre-eminence, rule, benefice or promotion, a schole for to learne English, if any children of his paroch come to him to learne the same, taking for the keeping of the same schole, such convenient stipend or salarie, as in the said land is accustomedly used to be taken."

This Act, which reads as rather confirming a custom than instituting a system of parish schools, was, it would seem, purely political. The Irish monasteries had only been suppressed two years, Ireland was violently anti-English, and the first English king of Ireland took this not uneconomic step to anglicise a turbulent and baronial land. The teaching of English and not of letters was the object of the Act, but it nevertheless has an importance in this history of State education as one of the earliest legislative Acts directing under legal penalties the teaching of youth. The Act provided that if anyone took the oath and failed to observe it, he should be fined for the first offence 6s. 8d., for the second offence he should be fined 20s., and if on a third occasion he failed to observe his oath his benefice was void. Thus we see that not only in the mid-sixteenth century was education in Ireland entirely in the hands of the Church, but also that the State stood behind the Church and enforced national education of a kind through the medium of the Church.

Subsequent legislation in no way secularised the educational position, for by "An Act for the Erection of Free Schooles" of 1570¹, passed by the Irish Parliament, the predominance of the clergy was even more strongly affirmed. This Act, by the terms of its preamble, applied to those "whose ignorance in these so high pointes touching their damnation proceedeth only of lack of good bringing up of the

Irish Education Act, 1537.

¹ 12 Eliz. c. 1.

youth of this realm either in publique or private schooles, where through good discipline they might be taught to avoide these lothsome and horrible errorrs."

It enacted by its first section "That there shall be from henceforth a free schoole within every diocesse of this realm of Ireland, and that the schoolemaster shall be an Englishman, or of the English birth of this realm." It is, perhaps, a somewhat melancholy reflection that, at this late date, the exigencies of the position rendered it necessary for the Irish birth of Ireland to be excluded by an Irish Parliament from the privilege of teaching. This reflection is, however, lost (at least to educationalists), in the thought that the free school

A free school
in every Irish
diocese.

was open to all. The Act further provided that the Archbishops of Armagh and Dublin and the Bishops of Meath and Kildare, were to appoint the schoolmasters in their dioceses, but that in all others the "lord deputie, or other governour or governours of this realm for the time being" should appoint "from time to time for ever." The Act next directed "the schoolehouse for every diocesse to be builded and erected in the principall shire towne of the diocesse, where schoolehouses be not alreadie builded, at the costes and charges of the whole diocesse, without respect of freedomes, by the devise and oversight of the ordinaries of the diocesse, or of the vicars generall (*sede vacante*) and the Shiriffe of the shire." Finally it enacted that the Lord Deputy with the advice of his council should appoint the schoolmaster's salary, of which one-third was to be found by the Ordinary of the Diocese and two-thirds by the parsons, vicars, prebendaries and other ecclesiastical persons by an equal contribution to be made by the said Ordinary.

In the matter of statutory enactments for the provision of schools, we see therefore that Ireland, in theory at any rate, stood on not altogether an inferior basis to Scotland. Indeed the imperative tone of the Legislature is more noticeable in the case of Ireland than that of Scotland, while the education is

placed exclusively in the hands of the Church; though it must be remarked that the funds for school-building were collected with the aid of a lay official—the sheriff¹.

The Restoration conformity legislation was applied to Ireland equally with England and Scotland, and a reference to such legislation will in point of date bring these comparative notes on the three Kingdoms into line. By an Act of 1665², it was provided that Deans and other dignitaries, heads and fellows of Colleges or Hospitals etc., “and every parson, vicar, curate, lecturer, and every other person in holy orders, and every schoolmaster keeping any publique or private school, and every person instructing or teaching any youth in any house or private family as a tutor or schoolmaster” should subscribe the proper declaration. Section 6 required schoolmasters and private tutors to take the oath of allegiance and supremacy which was to be administered by the Ordinary. A penalty was imposed on schoolmasters and others who taught without licence (“for which he shall pay twelve pence onely”), and before subscription and acknowledgment, and before taking the oath of allegiance and supremacy. For the first offence against this provision the schoolmaster was subject to three months’ imprisonment without bail or mainprise, and for a second or subsequent offences a similar term coupled with a fine of £5.

Conformity
legislation,
1665.

We thus see that at this point the history of education in England, Scotland and Ireland respectively touched. Complete and irksome control by State and Church over education was exercised in the three Kingdoms, and the result was, as we have seen, a temporary suspension of education. In matters of detail Ireland had the chief cause for complaint. The distinction between Norman and native born, which was

¹ See also 7 Will. III. c. 4; 8 Geo. I. c. 12, s. 9; 5 Geo. II. c. 4, s. 9, and 50 Geo. III. c. 33, ss. 1, 2. The endowment of Trinity College, Dublin, and the foundation of a Free School were undertaken by the Commonwealth Parliament. See Act 74 of 1649.

² 17 & 18 Chas. II. c. 6, s. 5.

abolished in England in the fourteenth century, still existed in Ireland in the seventeenth century, and the charge for a licence to teach, which had been abolished in England in the year 1200 A.D., was still maintained in Ireland at this late date.

Uneconomic educational administration in Ireland produced its inevitable result. In the last quarter of the eighteenth century the character and amount of education had fallen so low as to create alarm among both legislators and religious societies. The compulsory legislation had in a great measure failed. In the year 1788 we find that out of 838 benefices only 352 had schools in conformity with the Act of 1537¹. But before that date a new movement was in progress.

In 1786 the Society of Friends founded a school society in Dublin, and these schools seem to have welcomed children of all denominations. On January 18th, 1787, the Duke of Rutland² in his speech as Lord-Lieutenant to the Irish Parliament said: "I hope that some liberal and extensive plan for the general improvement of education will be matured for an early execution." On April 18th, 1788, a Bill presented on March 3rd, 1788, to the Irish Parliament received the Royal assent. This Act provided for the appointment of a Commission to consider the state of education in Ireland³. In 1806 a further commission was appointed by an Act of the Imperial Parliament⁴ to enquire into "the general funds and revenues granted for the purposes of education, and into the state and conditions of all schools in Ireland" (July 21st, 1806). The first chairman of this Commission, which presented fourteen Reports between 1806 and 1813, was the sixth Duke of Bedford, Lord-Lieutenant of Ireland 1806-7⁵.

¹ See *Report on Foundation Schools* (Ireland), 1838, pp. 4-6.

² Charles Manners (1754-1787), fourth Duke.

³ 28 Geo. III. c. 15.

⁴ 46 Geo. III. c. 122.

⁵ The father of Lord John Russell.

Voluntary effort was not prepared to wait for the conclusions of Royal Commissions. The Kildare Street Society was founded in 1811 and introduced the undenominational school system, accompanied by the use of the Bible without comment by the teacher on the text. The schools rapidly increased in number, and the first English Parliamentary grant for Irish education was made to this society in 1816¹. It is worthy of note that at a date (1833) when no grant had yet been made for English elementary education grants amounting to above £216,000 had already been made to the Kildare Street Society. The London Hibernian Society—which advocated the teaching of Protestant principles—was formed in 1816, and by 1825 it possessed 1490 schools and was educating 100,000 children². In 1824 another Commission was appointed that printed nine reports. In 1831 Mr E. G. G. S. Stanley³, Chief Secretary for Ireland, convinced that no private society, deriving part of its income from private sources and only made the channel of legislative grants without being subject to any direct responsibility, could adequately and satisfactorily administer a great national system of education, appointed an independent and responsible Board of seven Commissioners with absolute control over the funds annually voted by Parliament for the support of Irish national education⁴. The Commissioners were to grant aid towards the erection of schools, to appoint inspectors and an adequate staff, to award gratuities to teachers, to establish a model and training school, and to edit and publish suitable school books. The grants were to depend upon the amount of voluntary funds raised locally. The system came into force in 1832–3. Until 1850 the grants were

Board of
Commis-
sioners, 1833.

¹ The first Irish grant was made in 1757 (31 Geo. II. c. 2) for Charter and other Protestant schools; but by 13 Geo. II. c. 8 the Protestant School Society had already received State help.

² Hansard, Vol. x. 3rd series, col. 854.

³ In 1834 he became Lord Stanley and in 1851 the fourteenth Earl of Derby.

⁴ Hansard, Vol. vi. 3rd series, cols. 1250–1261.

made by the Imperial Parliament to the Lord-Lieutenant, but were subsequently made direct to the Board of Commissioners. In 1845, and again in 1861, Royal Charters were granted to the Commissioners, it being provided that the Board should consist of ten Protestants and ten Catholics. In 1836-7 the number of scholars under the Government system was 166,929, and in 1886-7 it was 1,071,797, despite the fact that during that period the population had fallen from eight to five millions. The vote for Irish education in 1836-7 was £38,500, while in 1886-7 it was £852,000¹.

25. The early history of education in the colonies has an important bearing on the general history of education in England, and in the term colonies we should include those original colonies which ultimately became the United States of America.

Education
and the State
in New
England.

It is not proposed here to investigate the founding of the earliest schools in New England²; it will be sufficient to refer to the extraordinarily early date at which both the local authority and the English Crown intervened in American education. As early as September 8th, 1636, the General Court of the settlement voted £400 towards the building of a school or college, and on the death of John Harvard (1607-1638), who bequeathed an endowment of books and money, the building began, and within a short time the great University of the New World was a fact. Among the English State Papers there exists a catalogue of Harvard University graduates from 1642 to 1674. The catalogue mentions 201 graduates, including two from Oxford, four from Cambridge, one from

¹ *Elementary Education Commission*, 1888. Evidence of Sir Patrick Keenan, Q. 53, 132-9.

² The assertion made in London in 1623 that the children of the colonists 'were not catechized nor taught to read,' was rebutted at the time. But there was no public school at that date. (*History of New England*, by J. M. Palfrey, vol. II. pp. 45-9.) In the New Haven Colony as early as 1641 it was ordered by the General Court that a free school should be set up and £20 a year allowed to Mr Ezekiel Cheevers, the schoolmaster. In August, 1644, this was increased to £30 a year. (*Records of the Colony and Plantations of New Haven*, vol. I. pp. 62, 210.)

Aberdeen, one from Dublin, and one from Lyons. Among the graduates was an Indian named Caleb Cheesechaumuck. Appended to this interesting document was a copy of Latin verses addressed to the King, the English Universities and the members of Harvard¹. The Charter for Harvard College in Cambridge, Middlesex, in New England, for the education of English and Indian youth was granted on May 31, 1650. The Council was to consist of a President, five Fellows and a treasurer. The Charter was endorsed: "No power given in this Charter to confer degrees unless under the name of *By laws*." The Crown to some extent watched over higher education in New England, for we find in the instructions (dated April 23, 1664) to the Crown Commissioners appointed to visit Massachusetts an enquiry as to what had been done towards the foundation and maintenance of any college or schools².

Edward Randolph in his answer (October 12, 1676) to several heads of enquiry concerning the state of New England reported that there were three colleges at Cambridge, seven miles from Boston, one of timber covered with shingles of cedar at the charge of Mr Harvard and bearing his name, one a small brick building called the Indian College, where some few Indians did study, but then converted to a printing-house. New College, built at the public charge and covered with tiles, was not quite finished by reason of the late Indian war, but contained 20 chambers for students, two studies in a chamber, a hall for chapel, a convenient library with books of the Fathers and school divines³, and many English books of Nonconformist writers, especially Mr Baxter and Dr Owen; there they taught

Harvard
University.

¹ *Calendar of State Papers*—Colonial Series, America and West Indies (1669–1674), p. 576.

² *Calendar of State Papers*—Colonial (1574–1660), p. 340.

³ *Calendar of State Papers*—Colonial Series, America and West Indies (1661–1668), p. 200.

⁴ Selden's opinion (p. 76 *supra*) as to the school divinity was held, we thus see, in the first University in the New World.

Hebrew before they well understood Latin; there were no formalities or distinctions of habits or other decencies as in England, much less exhibitions and supports for scholars; they took no degree above Master of Arts; their Commencement was kept yearly on August 2nd in the meeting-house at Cambridge, where the Governor and magistrates were present, attended with throngs of illiterate elders and members who were entertained with English speeches and verses; most of the students had come from England, and there was at that time no settled President, but Mr Oakes, a rigid Independent, supplied his place; the President's allowance was £100 a year and a good house; there were but four fellowships, the two senior were worth £30 per annum, the two junior £15, but no diet allowed, and the holders of them were the tutors. Mr Thomas Graves, an ingenious and worthy person, had been removed from his fellowship by the late President, Dr Hoare, for refusing to renounce the Church of England. The government of the colleges was in the hands of the Governor and magistrates¹.

This rather acrid account of the early days of Harvard suggests a fairly flourishing community. The presence of Urian Oakes², who, though of English birth, was educated in New England, and graduated at Harvard before returning to England, was a guarantee of sound scholarship. The certainty of Government control placed the college in a position of security. The question of education in New England indeed occupied the attention of both the home and the colonial Governments.

A remarkable Act, passed by the Commonwealth Parliament

¹ *Calendar of State Papers—Colonial Series, America and West Indies (1675–1676)*, p. 467.

² Urian Oakes (1631?–1681) was born in England and was Vicar of Titchfield during the Commonwealth. He was ejected in 1662. In 1671 he was chosen minister of Cambridge, Massachusetts, by a deputation sent to England. He became a Governor of Harvard and, in 1675, provisional President. In 1679 he accepted the full presidency. He was a prose writer of distinction and an elegant Latinist.

in 1649¹, for the purpose of "promoting and propagating the Gospel of Jesus Christ in New-England," dealt with the question of educating the natives. The Act recited that "the Commons of England assembled in Parliament" had received certain intelligence that much good had been done by "some godly English of this Nation" through the preaching of the Gospel in the Indian language, and that many of the natives taught "their Children what they are instructed in themselves, being careful to place their said Children in godly English Families, and to put them to English Schools." The Act went on to recite that the work could not be prosecuted with expedition and further success unless there were, among other things, "Universities, Schools, and Nurseries of Literature settled for further instructing and civilizing them." The English in New England were, however, too poor to undertake this work, and therefore by this Act the English Parliament founded a Corporation of sixteen persons—a President, a treasurer and fourteen assistants—to be called "The President and Society for propagation of the Gospel in New-England," and with power to hold land in England of the value of £2,000 without license in mortmain. "The Commissioners of the United Colonies of New-England" were given power to receive and dispose of moneys and commodities acquired by the corporation and to dispose of such moneys "in such manner as shall best and principally conduce to the preaching and propagating of the Gospel of Jesus Christ amongst the Natives, and also for maintaining of Schools and Nurseries of Learning, for the better education of the children of the Natives." In order to provide the necessary money Parliament ordered a general collection to be made "in and through all the Counties, Cities, Towns and Parishes of England and Wales." The ministers throughout the country were required to read out the Act to their congregations on the next Lord's Day after receiving it, "and

Common-
wealth Colo-
nial Education
Act, 1649.

¹ Chapter 45. Scobell's *Acts of Parliament*.

to exhort the people to a chearful and liberal contribution." The collection was not to be made in church. The minister and churchwardens or overseers of the poor and other well affected persons nominated by the minister were authorised after the reading of the Act "to go with all convenient speed from house to house, to every of the Inhabitants of the said Parishes and places respectively, and to take the subscription of every such person in a schedule to be presented by them for that purpose, and accordingly at the same time to collect and gather the same." A duplicate of the schedule with the money was within ten days to be paid into the hands of county treasurers, "persons of quality resident in each County," and the receipt for such payment was a sufficient discharge to the various collectors.

This voluntary rate was actually levied throughout the country, and the money received by the Society was devoted to the purchase of land in order to secure a permanent income for the carrying on of the work of the Corporation. But the collectors do not appear to have been in all cases reliable, for we find an Order of the Council of State, dated July 17th, 1655, dealing with the question of moneys collected and not paid over. The President and Society were directed by this Order to take the most effectual means for getting in the sums so collected, and to certify the reason of the delay. The Society was also required to make a return of all the money collected, how it had been disposed of, and how the growing revenues were employed¹. From a petition presented to the Crown and read July 2nd, 1662, we learn that the King confirmed the existence of this Society under the name, seemingly, of "The Company for Propagation of the Gospel in New England and parts adjacent of America." The petition recited that many natives had been converted and that the New Testament and a good part of the Old ("whereof the rest is making ready for the press") had been printed in

¹ *Calendar of State Papers—Colonial* (1574—1660), p. 426.

the Indian language. It complains, however, that the produce of their land was withheld by the former owner, and that the former collections were in part withheld, and attributes to this a deficit during two years. The income was too small to enable the Society to bring actions for the recovery of the money detained, to continue the translation and printing of the Bible and the maintenance of the schools for the Indian children. The Society therefore begged the King to grant one general collection throughout England and Wales for the purposes aforesaid, for that the benefit intended by the former collections was not fully attained, there having been divers counties in the Kingdom, and several parishes in the City of London, wherein no collections for this work had been made. This petition was read on July 2nd, 1662, at Whitehall, and an Order in Council was at once made recommending the petition to the Lord Chancellor, who was directed to give order for a brief for a general collection as asked¹. It is not necessary to pursue further the educational work of this Society. Enough has been written to show that the English Parliament was prepared in those early days to make efforts on behalf of education in the colonies, and we shall see that similar efforts were not wanting in other colonies. It is necessary here to refer to the work done by the Colonial Government in New England on behalf of an organized system of education.

Petition for
the education
of natives,
1662.

Immediately after the re-grant of a Charter to the colony of Massachusetts (October 7th, 1691), the "Great and General Court or Assembly of the Province of the Massachusetts Bay in New-England" passed in 1692 "An Act for the Settlement and Support of Ministers and Schoolmasters." This provincial Act was sent to England for ratification, and was confirmed by the Crown on the 22nd

Legislation
in Massachu-
setts, 1692.

¹ *Calendar of State Papers*—Colonial Series, America and West Indies (1661-1668), pp. 95-96.

of August, 1695¹. The part of the Act that relates to education runs as follows: "Be it Ordained and Enacted by the Governor, Council, and Representatives, convened in General Court or Assembly, and by the Authority of the same..... That every Town within this Province, having the Number of Fifty Housholders, or upwards, shall be constantly provided of a Schoolmaster, to teach Children and Youth to read and write. And where any Town or Towns have the Number of One hundred Families or Housholders, there shall also be a Grammar School set up in every such Town, and some discreet Person, of good Conversation, well instructed in the Tongues, procured to keep such School; every such Schoolmaster to be suitably encouraged and paid by the Inhabitants. And the Select-men and Inhabitants of such Towns respectively, shall take effectual Care, and make due Provision for the Settlement and Maintenance of such Schoolmaster and Masters. And if any Town, qualified as before expressed, shall neglect the due Observance of this Act, for the Procuring and Settling of any such Schoolmaster, as aforesaid, by the space of One Year, every such defective Town shall incur the Penalty of Ten Pounds for every Conviction of such Neglect, upon Complaint made unto Their Majesties Justices in Quarter-Sessions for the same County in which such defective Town lieth; which Penalty shall be toward the Support of such School or Schools within the same County, where there may be most Need, at the Discretion of the Justices in Quarter-Sessions; to be levied by Warrant from the said Court of Sessions in Proportion upon the Inhabitants of such defective Town, as other publick Charges, and to be paid unto the County Treasurer."

This is a truly remarkable document. It is a colonial Act that became law at a period when in England religious dissensions and the Act of Uniformity of 1662 had reduced popular education to almost its lowest level. Yet it is a

¹ The Act is No. 11 of the year 1692, and was passed at Boston.

statute of the English Crown—it is headed “Anno Regni Quarto Gulielmi & Mariae”—and contains within it a policy not only enlightened for its date, not only undictated by political motives, but one as wise and helpful as that State system of primary and secondary education which education-
 alists are striving to secure to-day. Yet it is nearly 210 years since the Legislature of New England determined to reproduce the grammar school system of Old England supported by a compulsory rate, and to supplement it with a compulsory primary system such as England was not destined to see even in theory until 1876. The adoption of the English county machinery and divisions is in itself remarkable and shows how at that date the possibilities of a rate-supported system of education in England had suggested themselves to Englishmen abroad.

But remarkable as was this early production of an educational system in Massachusetts Bay an even earlier development took place in the colony of Connecticut. As early as October 25, 1644, the General Court granted a voluntary rate for the maintenance of poor scholars at Harvard College, and this was confirmed by the Code of Laws established by the General Court in May, 1650. This code dealt in a most remarkable manner with the whole question of education. Under the title “children” it ordered the select men of every town to see that parents by themselves or others taught their children and apprentices to read English perfectly, and to have a knowledge of all offences punishable by death “vppon penalty of twenty shillings for each neglect therein.” The children had also “to learne some shorte orthodox Catechisme, without booke,” and they were to be brought up to some honest calling if the parents or masters could not or would not “traîne them vp in Learning to fitt them for higher employments.” If the parents or masters remained negligent of their duty it was the business of the select men, with the help of two magistrates, to take the children or apprentices from such parents or masters “and

Connecticut
 Education
 Law, 1650.

place them with some masters for yeares, boyes till they come to twenty one and girles to eightene yeares of age compleat, which will more strictly looke vnto, and force them to submitt vnto gouernment, according to the rules of this order, if by faire meanes and former instructions they will not bee drawne vnto it¹."

The Legislature of this colony fully realised in 1650 a fact that England has only realised since 1894², and which the executive still regards as negligeeable: in 1650 the Legislature of Connecticut laid down the rule of law that the rights of a parent to the custody, control, and society of his child ceased absolutely unless the parent was able to show that he was bringing up a child of school age in such a way that he was likely to be useful to the community. In England the sacred rights of a parent have ever been regarded as practically indefeasible. The right of the English parent was more comprehensive than the right of the Roman parent in the early days of the Republic. The Roman father was allowed to kill the body of his child; the English parent could, and practically can, distort the entire moral purpose of his child's existence.

The framer³ of the Code realised that the community which makes education compulsory must supply schools, and under the title "schooles" the necessary provision is made. In order to promote the "use of tongues" and "that Learning may not bee buried in the Graue of our Forefathers, in Church and Commonwealth, the Lord assisting our indeauors," the Court orders that in every township of

¹ *The Public Records of the Colony of Connecticut* (1635-1665), pp. 112, 520, 554 and see also pp. 139, 250.

² Protection of Children Act, 1894 (57 & 58 Vict. c. 41).

³ Roger Ludlow, the first Deputy Governor of the Colony of Connecticut, was deputed on April 9th, 1646, to draft the Code which is known either as 'Mr Ludlow's Code,' or as 'The Code of 1650.' He was born in Wiltshire about 1590, was educated at Balliol College, Oxford, and sailed for America about 1630. After stirring days he returned to England in 1656.

fifty householders the township shall appoint one within the town "to teach all such children as shall resort to him, to write and read, whose wages shall bee paid either by the parents or masters of such children, or by the Inhabitants in generall by way of supplye, as the maior parte of those who order the prudentialls of the Towne shall appointe; provided that those who send theire children bee not oppressed by more than they can haue them taught for in other Townes. And it is further ordered, that where any Towne shall increase to the number of one hundred families or housholders, they shall sett vp a Grammer Schoole, the masters thereof being able to instruct youths so farr as they may bee fitted for the University¹. And if any Towne neglect the performance hereof aboue one yeare, then euery such Towne shall pay five pounds per Annum, to the next such Schoole, till they shall performe this order." This Act is even more explicit than the Act of Massachusetts Bay of 1592. The New England Act, which was possibly founded upon Ludlow's Code, is only more remarkable in the fact that it was an Act of the English Crown. Both these Acts show a determination to establish in the new colonies an effective system of education.

Some further brief reference must be made to the educational movement in Connecticut. On May 13, 1678, the General Court amended the title "schooles" in the Code to the effect that when a township numbered thirty, instead of fifty families, it should maintain a school². In October, 1684, it was ordered that houses and lands given for the support of any school should be exempt from taxation³. By an order of January 1686-7 it was provided that certain surplus money in

¹ This probably conveyed to Ludlow, an Oxford man, a more definite meaning than it did to the majority of the settlers.

² *The Public Records of the Colony of Connecticut* (May, 1678—June, 1689), p. 9.

³ *Ibid.* p. 158.

the colonial treasury should be applied to the improvement of the grammar schools in each county town, and in default of these to other schools¹. On October 10, 1690, the General Court ordered the foundation of two free schools, at Hartford and Newhaven, for the teaching of reading, writing, arithmetic, Latin and Greek². In the year 1700 the General Court dealt with the question of schools from the point of view of classification. It ordered that there should be four grammar schools at the four county towns—Hartford, Newhaven, New London and Fairfield—that all other towns should with seventy families and upwards have a reading and writing school open all the year; but that all towns with less than seventy families need only have a school open for one-half the year. A specific rate was levied throughout the colony for the maintenance of all the schools³. By an Act of May 14, 1702, the rate when raised was paid over to the "committees for the school" in the larger towns, and the select men in smaller towns, for the purposes of maintenance⁴. These committees were, it seems, appointed by the General Court.

Much might be added on the subject of early State-aided education in these first colonies⁵, but this wide subject cannot be treated at large in these pages. We have seen with how broad an outlook legislators in those early days treated the whole question of education. They realised the simple and obvious fact that the youth of a nation are the custodians of its destiny, and strove to rear them with a sense of that awful responsibility. How different would all things have been had the advisers of the Crown in England in the seventeenth century

¹ *The Public Records of the Colony of Connecticut* (May, 1678—June, 1689), pp. 224, 225.

² *Ibid.* August, 1689—May, 1706, p. 31.

³ *Ibid.* p. 331. The rate was forty shillings upon every thousand pounds in the respective lists of estates in each town.

⁴ *Ibid.* p. 375.

⁵ In 1657 in the colony of Newhaven schools were ordered to be founded in every plantation. Other instances might be enumerated.

adopted the suggestion contained in the legislation of the New England states, and introduced a compulsory and universal system. The event was imminent in 1650; by 1670 its possibility was postponed for two centuries. Such a system indeed would have rendered needless those devoted voluntary efforts that created the charity schools of the eighteenth century and laid the foundation of the voluntary system. The historian of altruism would grudge the loss of such a chapter. Joseph Addison regarded these charity schools as the glory of his age¹, and no one who has closely traced the history of the voluntary system can withhold deep admiration for the unwearied efforts of those who made it possible; but when we remember that in 1870 there were still one million children in England without the elements of knowledge, it is impossible not to regret that the State should, at a date when compulsion was natural and desirable, have left to the individual to perform imperfectly the thing that it itself could have done so well.

Imminence
of compulsory
education in
England in
1650.

26. From New England we turn to the Province of South Carolina. In this colony an Act for founding a Free School was passed on April 8th, 1710. This was followed on June 7th, 1712, by "An Act for the Encouragement of Learning." Both these Acts were repealed by an Act ratified on December 12th, 1712². The Act recited that "it is necessary that a Free-School be erected for the Instruction of the Youth of this Province in Grammar, and other Arts and Sciences and useful Learning, and also in the Principles of Christian Religion," and recites further that money had been left for this purpose by various persons and then proceeds: "Be it therefore Enacted by the most noble Prince Henry, Duke of Beauford, Palatine, and the rest of the

State educa-
tion in South
Carolina.

¹ *The Guardian*, No. 105. Saturday, July 11, 1713. *Works*, 1811, vol. v. p. 229.

² Nos. 296, 316 and 330 in Trott's *Laws of the Province of South Carolina*.

true and absolute Lords and Proprietors of this Province, by and with the Advice and Consent of the rest of the Members of the General Assembly, now met at Charles-Town for the South-West Part of this Province, and by the Authority of the same" that certain persons be appointed Commissioners for the erecting of a school for the use of the inhabitants of South Carolina. In addition to this central school a general scheme of education was devised, and the residue of the duties upon "Skins and Furs" was devoted (after payments to the ministers of religion and to the provincial library at Charles-town¹) to the payment of the salaries of masters in the various schools to be established under sections 21 and 22 of the Act. Section 21 runs as follows:—"And as a further and more general Encouragement for the Instructing of the Youth of this Province in useful and necessary Learning; Be it Enacted by the Authority aforesaid, That as soon as a School-Master is settled in any other, or all the rest of the Parishes of this Province, and approved by the Vestry of such Parish or Parishes, such School-Master so approved, from Time to Time, shall receive the Sum of *Ten Pounds per annum*, out of the Publick Treasury, by Quarterly Payments, and the Publick Receiver is hereby required to pay the same." Section 22 is equally important: "And be it further Enacted, That the Vestry of each Parish in this Province, shall have Power, and they are hereby impowered to appoint a Place where the Parish-School shall be built, and shall draw upon the publick Receiver toward Building the same, the Sum of *Twelve Pounds* current Money, and the publick Receiver is hereby required to pay the same accordingly."

This Act of 1712 is most interesting from many points of view. We get in it a glimpse of an Upper and Lower Chamber and of a Prince Palatine² that are little known to the general

¹ Cf. the statute of 1708 (7 Anne, c. 14) founding parochial libraries in England.

² The history of the County Palatine of the Province of Carolina

readers of history, while the Act itself is a piece of enlightened policy that would have done infinite credit to later days. The attempt both in New England and in South Carolina to create a State system of secondary and primary education necessarily takes an important place in the history of colonial education.

27. The recent volumes of special reports issued by the Board of Education on the educational systems of the British Empire contain some important details as to the beginning of colonial education. We may draw from these reports some of the interesting information there gathered together.

Colonial
education and
the State—
Newfound-
land.

Despite the early discovery of Newfoundland by Cabot in 1497 it was not until the nineteenth century that the English Government chose to recognise it in the light of a colony or settlement. Stern measures were indeed taken to prevent immigration, and as late as 1783 Governor Elliott asked the British Ministry to prohibit the residence of women on the island. As recently as 1811 it was still regarded as merely a fishing-ground, and dwelling-houses could not be erected without a special license. But it is a hard thing to lock out British subjects from any land, and by the beginning of the nineteenth century there was an English-speaking, scattered, coast population of 25,000. The Government had never done anything for these people, who were living under barbarous and degrading conditions; but, as early as 1726, voluntary effort was at work. In that year the Society for the Propagation of the Gospel in Foreign Parts founded a school at Bona Vista. Another was started at St John's in 1744; a third in

begins with the Charter of Charles II. granted on March 24th, 1663. This Charter delimited the province and made certain peers and knights the true and absolute lords of Carolina. By a further Charter of June 30, 1665, the powers of the proprietors and the area of the province were enlarged. Though the province and the inhabitants were subject to the King, the power of the lords was absolute, and included the powers of life and death, the power of creating dignities, and of creating a constitution. It was under a constitution so created that this Act was passed.

1766 at Harbor Grace, and a fourth in the following year at Sally Cove. Other schools were founded in 1778, 1790, 1798, 1810, 1811. These schools, with their lending libraries and gifts of Bibles and Books of Common Prayer to those who learned to read, had a marvellous effect on the population, and laid the foundation for the work of the Newfoundland School Society which Samuel Codner founded in 1823. The English Government of that date, awakening to the need for popular education, aided the Society by grants of land for school purposes, by gifts of money for school buildings, by grants for the salaries of teachers who were taken out to the islands on ships of war. The first school was open for the "poor of all denominations" on September 20th, 1824, and was conducted under the monitorial system. The schools with the aid of the Colonial and Continental Church Society rapidly multiplied. The first grant in aid of education by the local Legislature was made in 1836. In 1842 there were sixty schools with 3500 scholars, and the future of education in Newfoundland was assured.

28. As early as 1749 the Society for the Propagation of the Gospel in Foreign Parts sent six clergy and six schoolmasters to Nova Scotia. The schools were at first supported by the fees of pupils, but towards the end of the eighteenth century they were aided by small Government grants. The Provincial Legislature established a seminary at Windsor in 1788, and a grammar school at Halifax in 1789. King's College was incorporated in the same year and obtained a grant in 1790. In 1802 this college received the Royal Charter with an endowment of £1000 a year, but no member of the college was allowed to attend any place of worship where Divine Service was not performed according to the Liturgy of the Church of England. Grammar schools were established with grants by the local Education Act of 1811. In 1805 a movement in favour of undenominational education had been started, but the effort to found a

State-aided undenominational university at Picton failed. In 1814 and 1817 respectively schools on the systems of Lancaster and Bell were started and received Government aid. An attempt to establish free education made in 1825 was unsuccessful, but the principle of the admission of a certain number of free scholars was adopted in 1841, and general free education was introduced in 1864. Altogether Nova Scotia is an interesting instance of the early introduction of effective State-aid and of wide-spread interest in educational questions.

29. In the case of Ontario, more detailed information might well have been given in the reports as to the early history of education. We are told, however, that four grammar schools were founded in December, 1798, and were endowed by the Government with waste lands; that, from the earliest settlement, schools were established; and that a University was founded as early as 1827. In 1844 the elementary schools were placed upon a comprehensive basis, and in 1876 they were brought under the control of the Minister of Education.

Ontario.

30. The complaint as to a dearth of early information in the case of Ontario may be made with greater force in the case of Jamaica. The report tells us that there were two or three elementary day schools for children of free parents previous to 1820. Information might well have been given as to important earlier efforts promoted by the State. The extremely early date of those efforts make them important and justify some references to them here that are not contained in the report. In 1695, among the Acts of the Assembly passed in the Island of Jamaica, was "An Act for erecting and establishing a Free-school in the Parish of St Andrew"¹ on land given by Nicholas Laws of that parish. The Act runs as follows:—"That it shall and may be lawful to make and establish on the said Land a Free-school, for the Abiding, Dwelling, and necessary Use of one or more School-

Jamaica.

¹ *Acts of the Assembly, 1681-1737, No. 62.*

masters and Ushers of the Religion of the Church of *England*, for the instructing (without Charge) of Youth, in *Reading, Writing, Latin, Greek, Hebrew, Arithmetick, Merchants-accompts, and the Mathematicks.*" "Youth" included "the Children of the Parish of St *Andrew and Kingston*, and the Children of all such as shall settle to the Value of Five Pounds *per Annum*, or pay Fifty Pounds current Money of *Jamaica*, for the Improvement and Advancement of the said School." The appointment of the school-governors, after a period, was invested in the Governor of the island. It seems probable that this school was both privately endowed and aided by the Government. Whether this is so or not we have here an undeniable example, at a very early date, of State intervention in education, and it must be remembered that this was at a time when general education in England was at a very low level. The Assembly at Jamaica passed a further Act in 1736¹ for erecting and establishing in Kingston a free school under the will of John Wolmer of Kingston. These instances did not involve any compulsory system, but they show an interest by the State in education in unusually early days. In the beginning of the nineteenth century, however, education had fallen on evil times. As we have seen, elementary education previous to 1820 consisted of two or three day schools for free children. Between 1820 and 1834 there were founded seven Church of England schools for the children of free parents and 40 schools of various denominations for slave children. The slaves were emancipated in 1834, and the British Government, with a compassion that with greater justice might have been shown to the un-emancipated children of Manchester and Preston, expended in 1835-6 about £50,000 in the erection of school houses. At this date about the same sum in all had been expended by the State on elementary education in England. One of the most remarkable

State-aid
for distant
colonies.

¹ *Acts of the Assembly, 1681-1737, No. 373.*

facts indeed about colonial education is the early aid that was given by a home Government that allowed its own children to grow up under mental, moral and physical conditions too appalling for description.

Well fostered, the work in Jamaica grew apace. In 1837, 12,580 children were on the books of 183 elementary day schools, with an average attendance of 77·7 per cent., while there were 139 Sunday-schools with the names of 20,870 scholars on the books, and 95 evening schools with 5304 scholars; and all these in addition to 124 private schools.

From 1837 to 1842 there was a yearly State grant from England of £30,000, and a gradually diminishing grant was made until 1846, whilst a further source of revenue was found in Lady Mico's Trust, which in 1836 was converted by the Court of Chancery from the extinct purpose of redeeming Christian captives in Algeria to the laudable object of educating emancipated negroes in Mauritius, Jamaica, and other West Indian Islands. In spite of continual protection the tropical growth of education in Jamaica withered very rapidly. It was cursed from the first with the monitorial system, and took no deep root.

Mr Lowe's method of examination was, however, introduced in 1867, and under sound economic conditions education revived.

31. Some reference must be made to British Guiana. As early as 1808 the London Missionary Society sent a teacher to this remote Colony. In 1824 British
Guiana. a proposal to establish free schools for boys and girls received some support. In 1830 there was a Government grant for education of £150, and in 1838 the Legislature voted a considerable sum for schools. At an early date the British and Foreign Bible Society established a school at New Amsterdam, while about 1836 six undenominational schools were founded out of Lady Mico's converted Trust. Teaching in the various schools was bad—an inevitable

concomitant of the monitorial system. Government grants in aid of secondary education began in 1844, and Queen's College, Georgetown, a Church of England grammar school, was incorporated by ordinance in 1848 and received grants until 1876.

32. We now turn to Cape Colony. It is here, the reports tell us, that we find the earliest trace of any Colonial system of elementary education. It must, however, be pointed out that the Dutch South African schools of the seventeenth century were in no sense comparable with, nor so early in date as, the highly-developed educational systems brought into existence in the New England States in the same century, while we may reasonably doubt if education in the true sense of the word really existed at the Cape before the beginning of the eighteenth century. The rule of the Dutch East India Company at the Cape practically lasted from 1652 to 1806. As early as 1656 a school was established at Cape Town for the instruction of slave children from the West Coast of Africa. The instruction was intended to include reading, writing, the casting of accounts, and religious training. The school lasted only a few weeks, but was revived in 1661. A second school was opened in 1663 with 17 pupils, namely, one Hottentot, four slave children, and twelve Europeans. Reading, writing, and arithmetic were taught. Poor children were instructed for "the love of God." The first school at Stellenbosch was opened in 1683; the cost of building was chiefly borne by the Council of Policy. In 1690 an infant school was opened at Cape Town, and in 1700 a school was founded at Drakenstein. These beginnings are hardly comparable with the work carried on at the same date in New England, where, as we have seen, a carefully elaborated scheme of elementary and secondary education had been placed upon the Statute Book as early as 1650, and were, as we shall see, far behind the system of education carried on in the Isle of Man in the beginning of the eighteenth century.

The first signs of organised State interference in education at the Cape were seen in 1714, when an Ordinance dealing with the management of the schools became law, and a State High School where Dutch and Latin were taught, was founded in Cape Town. The school was discontinued in 1725. In 1743 two new school centres, known later as Tulbagh and Malmesbury, were created, but education generally seems to have been in a very backward state. In 1779 a School Commission was appointed to investigate a complaint made by the licensed schoolmasters that their pupils were drawn away by unlicensed teachers. It is not without interest to recall the fact that similar complaints were common in England in the fourteenth and fifteenth centuries. From the report of the Commission it appears that at that date there were eight elementary schools, containing 696 pupils (including slave children), and some private schools of a secondary character. Various attempts to place education on a sound basis were made by the Dutch between 1779 and the final English occupation in 1806, but with little result. It is necessary, however, to refer to the School Ordinance of 1804 issued under the guidance of de Mist, the Commissioner-General sent to South Africa by the Batavian Republic to take over the Colony from England.

There can be little doubt that de Mist was one of the soundest educationalists of either the eighteenth or nineteenth centuries. In 1804 he found it possible to place upon the Statute Book all those principles regarding the elementary education of the masses which Mr Robert Lowe in 1863 in England after a long and bitter struggle incorporated in his Revised Code. De Mist's Ordinance provided for the foundation of a training school for teachers under competent instructors brought from Holland, and laid down the rule that after an interval of five years no uncertificated master could teach in the schools. His scheme provided for secondary education

A great
Dutch educa-
tionalist.

and for the instruction of girls in "female handiwork and domestic housekeeping." Lower mixed schools were to be founded all over the Colony and were to be placed under the control of local authorities. The money for education was to be provided by the direct taxation of commodities, by death duties and a school rate. Moreover, in order to secure the future of education, de Mist introduced the invaluable provision that no person born in the Colony after January the 1st, 1800, could hold a Government post yielding a salary of 300 Cape rix dollars unless he had received his elementary education at a school with a certificated teacher, nor hold a post with a salary of 1000 Cape rix dollars unless he had also passed creditably through the highest class of a Latin (or secondary) school. No admiration is too great for the genius that at such a date could have conceived such a scheme. The foresight and the absence of that expediency which sacrifices posterity to the supposed interest of a particular class or creed is truly remarkable and stamps de Mist as an educationalist of the first order. It is satisfactory to recall the fact that it was not the English occupation of 1806 that wrecked the scheme. The Dutch farmers from end to end of the Colony rebelled against this "irreligious" ordinance, and it only came into partial operation. In 1807 the

English
recognition
of de Mist's
Scheme.

English Government put itself into communication with de Mist's Commission, and found that the Latin School, the Girls' Secondary School and eight common schools, with 800 pupils, had been founded. The Commission agreed that English should be taught in the two secondary schools, and promised to subsidise the English private schools. For a time things went well. Sir John Cradock started a scheme by which there were to be paid teachers in ten country districts, and these teachers—Church clerks in most places—were tested as to capacity in Cape Town. Half the school fees were given to the teachers and an additional grant was offered to those

who were able to teach English. In thinly populated districts itinerant schoolmasters were supplied¹. The introduction of the monitorial system from England in 1812 met with its usual fatal success, and an attempt in 1813 to carry out de Mist's idea of a normal school naturally fell through. Free "English" schools were introduced in 1822, and in 1827 there were 26 free schools with 1,737 pupils and 20 Church clerk schools with 635 pupils; but despite the founding of the South African College in 1839, the tendency of the general education was to decrease in value, and we find that under the influence of European Missionary Societies better provision was made for the education of the coloured children than of the white children. In 1838 Sir John Herschell, the astronomer, then resident at the Cape, advised certain modifications of the system of education, and in particular recommended the appointment of a responsible head who should control and inspect the whole of the educational work. His recommendations were submitted to the home Government and approved, and Mr James Rose-Innes, who had taken an active work in the education of the Colony from 1822, was appointed Superintendent-General of Education. His earnest labours were rapidly crowned with success, and as early as 1844 there were 50 Government and Government-aided schools in active work with 5,592 pupils. Primary and secondary education were both under State control, and the training of teachers formed part of the general system.

Herschell's
educational
system.

33. The admirable report on the history of State education in South Africa contrasts favourably with the meagre details given in the report on Ceylon. The history of the efforts of the Dutch in South

Ceylon.

¹ It is interesting to recall the fact that the idea of itinerant schoolmasters was contained in Cromwell's Act of 1649 for the promotion of education in Wales, and that in 1730 Griffith Jones started his Welsh circulating schools. See also Appendix III. pp. 256-7, *infra*.

Africa creates the presumption that the Batavian Republic was not idle with respect to education in the important Colony of Ceylon. The only information, however, vouchsafed on this subject is that on the English occupation of the Island in 1796, a few English and Dutch vernacular schools were taken over by the English Government and £2000 a year was spent on education. No aid was afforded to the numerous missionary schools—a possibly not unwise policy if it averted the general introduction of the monitorial system. In 1834 a Commission was formed to control the Government schools, and education was placed on a permanent basis.

In connexion with the Colonies it only now remains to deal with Australasia. Governor Phillip, who in 1788 was entrusted with the formation of the first Australian Settlement, was instructed by the home Government that 200 acres of land near every township were to be set apart for the maintenance of the schoolmaster. It was a necessary instruction, as many children went out in the "First Fleet," but, by some strange miscalculation, no schoolmaster sailed and it was not until four years later that any educational effort was made.

34. The Society for the Propagation of the Gospel in Foreign Parts about that time granted £10 apiece for four teachers. The work, however, was apparently done by the Chaplain of the Settlement, who taught over 150 children. In 1796 Phillip pointed out to the British Government the necessity of founding a public school, and in March, 1802, he reported that "finer or more neglected children are not to be met with in any part of the world"; they numbered 1002. He built a school at Hawkesbury at the cost of the Crown, and levied a voluntary rate for the maintenance of the schoolmaster. In 1807 Governor Blyth reported "we are doing all in our power to educate the children, having nearly 400 of them under tuition in different parts of the Colony." This meant that 800 to 1000 children were without any public tuition, but

Australia—
New South
Wales.

Blyth's report was nevertheless a hopeful one. From 1810 the struggle for education was continued manfully and without intermission. The various Churches, belonging for the most part to the Establishment, founded schools by means of State grants derived out of certain custom duties called "Orphan Dues," from the fact that the first charge upon them was for the maintenance and education of orphan children. This State system of education by grants was not however organised, and there was no general plan of teaching until in June, 1844, Mr Robert Lowe, the creator of the famous Revised Code in England nearly twenty years later, carried a resolution in the New South Wales Legislature for the appointment of a Select Committee to enquire into the existing means of education, and to report a method for placing it on a sound basis. The report of 1844 showed a great deficiency of education. There were 25,676 children between the ages of 4 and 14 years, and of these 50 per cent. were without education; whilst under 8000 children were in State-aided schools and less than 5000 children were in private schools. It was not, however, until 1848 that a national system of education was introduced, and for eighteen years this system worked side by side with the old State-aided denominational system. In 1866 Sir Henry Parke promoted an Act that created a Board of Education, and laid the foundation of the present educational system.

35. The rapidity of the growth of the desire for education in Australia is shown clearly in that part of Victoria. New South Wales which became the Colony of Victoria. On May 25th, 1836, the year after the first permanent settlement in Port Phillip District (Victoria), the population consisted of 142 males and 35 females. In 1841 the white population was 11,738. Of these 2,339 were children of school age, and almost one-third of that number were receiving education in the 20 schools of the district. In 1857 there were 36,671 scholars in 675 schools. In 1862 a Board of Education was appointed, and in 1872 education was made

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free, compulsory, and secular, with the addition of undogmatic Scripture lessons.

36. Tasmania has a little history of its own. In 1804 the British Government removed the settlers on Norfolk Island to what was then known as Van Diemen's Land. The Island was under military administration, and it is interesting to note that the first school was a Sunday-school founded by soldiers. This was followed by the creation of various Church schools. On the recommendation of the Colonial Minister the system of the British and Foreign School Society was adopted in 1838. Subsequently, on the advice of Mr W. E. Gladstone, grants dependent on the number of scholars were made to the denominational schools without any general system of local management. This unsatisfactory method was eventually abandoned in favour of fixed payments to teachers. In 1856 there were 70 schools with a school population of 3,717. In 1868 a Board of Education was created.

37. A more striking instance of a rapidly created State system is seen in the case of South Australia. In 1836 it had not a single school. In 1847 education was encouraged by grants to private schools. In 1852 a Board of Education was created. In 1875 education for all children between the ages of 7 and 13 years was made compulsory, and in 1891 it was made free. In 1899 there were 677 schools.

38. Very little information is given us in the official report as to the beginnings of education in New Zealand. We are told, however, that as early as about 1856 some system of public primary instruction was established in each of the principal provinces. We may suspect that there are earlier signs of State intervention.

These brief references to the origin of State help to education in the various Colonies, in New England and in

South Carolina, leave certain definite impressions on the mind. It is impossible not to note the extraordinary resource and the determination to secure a system of education that is shown in the efforts of almost all the early colonists. These men and women, had they remained at home, would probably have shown their British indifferentism to the need of education, but, in a new land, the larger air, the more apparent need, and the absence of that atmosphere of learning, which in England is apt to take the place of education itself, seems to have created a determination to reproduce the grammar schools of the old country and to found preparatory schools, such as did not exist in England, for these grammar schools. State control in a new and small community is easier to create than in an old society where the machinery is highly organized and the life artificial. The second impression is the sense of England's debt to her Colonies in the matter of education. They showed her what could be done with safety in the way of administration and compulsion, and even of apparent secularisation of schools. They could afford to make an experiment ; England could not ; for a great and complex society cannot easily repair mistakes. The third reflection is a suggestion. The Colonial educational systems are in their origin the children of England. Could not the Mother Universities bind these systems together to form one great bond of Empire ?

Colonial and
Imperial
education.

39. We have seen that in small communities State control of education is comparatively easy to create. As an instance of this, an island on the British coast may be cited. This chapter would not be complete without some reference were made to the remarkable educational legislation that took place in the Isle of Man before that little kingdom passed out of the overlordship of the Earls of Derby. The date of this legislation is noteworthy. We have seen that in New England, as early as 1650, a statute was passed by which something in the nature of compulsory education became law. Only some

fifty years later in the Isle of Man an Act was passed even more emphatic in its character. The fact belongs to that interesting period of educational and religious revival, in the reign of Queen Anne, when fifty churches in London were built by Act of Parliament out of the Coal Dues¹, when many educational foundations were established and when the birth of the modern system of elementary education took place. This period was a brief moment of reaction when all that was best in the nation became visible, only to fade in England for the time from sight in the darkness of the Georgian era.

The text of the first Manx Education Act is as follows² :—
“ At a Convocation of the Clergy at Bishop’s Court, the third of February, 1703 :

In the Name of our Great Lord and Master, the Lord Jesus Christ, and to the Glory and Increase of his Kingdome amongst Men.

We, the Bishop, Archdeacon, Vicars Generall, and Clergy of this Isle, who do subscribe these Articles, that we may not stand charged with the Scandals which wicked Men bring upon Religion while they are admitted to and reputed Members of Christ Church, and that we may by all laudable Means promote the Conversion of Sinners, and oblige Men to submit to the Discipline of the Gospel ; and lastly, that we may provide for the Instruction of the growing Age in Christian Learning and good Manners, we have formed these following Constitutions, which we oblige ourselves (by God’s Help) to observe, and to endeavour that all others within our severall Cures shall comply with the same :

.....
 “ 9. For the promoting of Religion, Learning, and good Manners, all Persons shall be obliged to send their Children as soon as they are capable of receiving Instruction to some petty School, and

Manx Education Act,
1703.

¹ 9 Anne, c. 17. ² Mills’s *Statutes of the Isle of Man*, pp. 157, 160.

to continue them there untill the said Children can read English distinctly, unless the Parents give a just Cause to excuse themselves, approved of by the Ordinary in open Court; and that such Persons who shall neglect sending their Children to be so taught shall (upon a Presentment made thereof by the Minister, Churchwardens, or Chapter Quest) be fined in one Shilling per Quarter to the Use of the Schoolmaster, who may refuse to teach those Children who do not come constantly to School (unless for such Causes as shall be approved of by the Minister of the Parish), and their Parents shall be fined as if they did altogether refuse to send them to Schoole.

“And for the further Encouragement of the Schoolmasters, they shall respectively receive, over and above the Sallarys already allowed them, Sixpence Quarterly from the Parents of every Child that shall be taught by them to read English, and Ninepence Quarterly from such as shall be taught to write; which Sums being refused, the Sumner shall be ordered to require punctuall Payment within fourteen Days, and upon Default hereof they are to be committed till they submit to law.

“Notwithstanding where the Parents or Relations are poor, and not able to pay as afforesaid, and this be certified by the Ministers and Churchwardens of the Parish or the Ordinary, such children are to be taught Gratis.

“And whereas some of the poorer Sort may have just Cause, and their Necessitys require it, to keep their Children at Home for severall weeks in the Summer and Harvest¹, such Persons shall not be lyable to the Penaltys afforesaid; provided they do (and are hereby strictly required to) send such Children during such Absence from Schoole every third Sunday to the Parish Church at least one Hour before Evening Service, there to be taught by the Schoolmaster to prevent losing their learning; and if any Schoolmaster shall neglect his Duty, and Complaint be made and proved, he

¹ Cf. the Elementary Education Act, 1876, s. 9.

shall be discharged, and another placed in his Stead, at the Discretion of the Ordinary: And every Rector, Vicar or Curate, shall the first Week of every Quarter visit the petty Schoole, and take an Account in a Book of the Improvement of every Child, to be produced as often as the Ordinary shall call for it."

.....
"At a Tynwald Court holden at St John's Chappell the 4th day of February 1703-4.

The before Constitutions being this Day offered by the Lord Bishop and Archdeacon of this Isle unto us the Governor, Officers and 24 Keyes, for our Approbation, and having perused the same, do find them very reasonable, just, and necessary, and do therefore approve of and consent to them as far as concerns the Civil Power."

(Signatures.)

"I am well pleased with the before Constitutions, and do confirme the same, and require that they be published at the next Tynwald Court in usuall Manner.

Derby."

"At a Tynwald Court holden at St John's Chappell the 6th day of June Anno Domini 1704.

The beforegoing Constitutions were this Day publicly proclaimed upon the Tynwald Hill according to antient Forme and Custome. As witness our Hands the Day and Year above written,"

(Signatures.)

This is the form in which the first Manx Education Act was passed. It was drafted and promoted by the Spiritual Power, was approved by the Civil Power, and was confirmed by the Lord or King of Man. It was an admirable measure, far in advance, as it seems, of the times, and comparable with the New England Act. It is true that it only dealt with elementary education and religious teaching, but effective means were taken to ensure regular attendance and good continuous

teaching¹. The Act appears to confirm a then existing system of parochial schools. The use of the phrase—in reference to the payment of schoolmasters—“over and above the salaries already allowed them” seems to imply such a system of schools. These schools, however, do not appear to be the creation of law. There does not seem to be any reference to education earlier than the year 1703 in the Manx statutes, and the schools were, probably, mere voluntary Church schools or even possibly customary parochial schools supported by something in the nature of a voluntary rate. The system introduced or confirmed in 1703 had at least one advantage over the scheme introduced into New England. It was an effective system that remained in being while the New England schemes faded away so utterly that in the middle of the nineteenth century distinguished educational authorities on both sides of the Atlantic disputed whether there had ever existed such an Act as the one passed in 1692². This was not the case in the Isle of Man; we find that at a Tynwald Court holden at St John’s Chapel the 5th day of July, 1813, an Act, which had received the Royal assent from the Prince Regent in Council at Carlton House on June 14th, 1813, was promulgated and published upon the Tynwald Hill. This Act provided that “the Teachers of the Parochial or Petty Schools shall be allowed to receive, over and above their Salaries, the Sum of two Shillings and Elevenpence a Quarter for each and every Scholar taught to read English, and three Shillings and Sixpence a Quarter for each and every Scholar taught to Read and Write³.” Experience had shown that the allowance of sixpence a quarter for teaching reading, and ninepence for teaching reading and writing given by the Act of 1704 was “altogether inadequate in the present Day.”

Manx Education Act,
1813.

¹ It is instructive to compare closely this compulsory system of education with the system introduced into England in 1870.

² See Hansard, 3rd Series, vol. 194, cols. 1240-1 (1869).

³ Mills’s *Statutes of the Isle of Man*, p. 414.

At an early date the National Society supplemented the Parochial schools. Nine building grants were made by the English Treasury Board between 1835 and 1840¹. The Manx Legislature seconded the efforts of the Imperial Government. By an Act of 1851 it made better provision for schoolmasters and school-management. By the Elementary Education Act, 1872, an Education Board and school committees were formed, and the principles of the English Act of 1870 were adopted. An Act of 1878 made attendance compulsory under the new system. This was supplemented by Acts of 1881 and 1884. The various Acts were consolidated and amended by the Education Act, 1893, which defined Elementary Education. This Act was amended in 1898, and by an Act of 1899 the present Council of Education assumed control.

40. A brief note must be made with respect to education in the Island of Jersey. The control of education by the Church was as complete in Jersey as in the Isle of Man. Though probably customary parochial schools under the entire control of the clergy existed in Jersey from very early times, it does not seem possible to trace their existence as public schools to a date earlier than the beginning of the seventeenth century. But schools of the grammar school type can be traced farther back. King Henry VII., by letters patent dated November 15th, 1496², confirmed the establishment and endowment of the free grammar schools of St Magloire (now St Maunelier) in the parish of St Saviour's, and St Anastase in the parish of St Peter's. By this patent the founders were empowered to appoint masters for the teaching of grammar and the other lesser liberal sciences—presumably grammar and the Quadrivium—and to make regulations for the foundations. The future masters were to be appointed by the dean and

¹ *Report of the Committee of Council on Education 1864-5*, pp. 538-9.

² *Falle's Account of Jersey*, p. 222

clergy of the Island. As late as the end of the seventeenth century an attempt was made to vest the collation of masters in lay hands, and Charles de Carteret, Seigneur of Trinity, successfully claimed the right before the Court of Jersey. On appeal to the Privy Council this decision was reversed on November 16th, 1693, and the collation was declared to be in the dean and clergy of the Island¹.

These grammar schools were supplemented by special endowments that enabled Jersey scholars to attend the English universities. Such provision did not, however, exist before the beginning of the seventeenth century. In the last years of the reign of Queen Elizabeth, Laurens Baudains endeavoured to found a Jersey college of a university type. The scheme failed; but in the next reign Baudains, with the help of other persons and with the sanction of letters patent from the Crown, founded 'le don de Laurens Baudains'—a fund that enabled young Jersey men of ability and small means to go to Oxford or Cambridge. Before the existence of this educational foundation it was the practice for those who desired a university career to go to the University of Saumur where they acquired both good French and Calvinistic theology. It was to this connexion of the Jersey clergy with the University of Saumur that led to the separation of the Church in Jersey from the Established Church of England. The Islands were under the ecclesiastical jurisdiction of the Bishop of Coutances until the reign of Queen Elizabeth. In 1499 the Islands had been transferred by Pope Alexander VI. to the diocese of Winchester; but this Bull had never been acted upon, and as late as April 15th, 1550, the modified authority of the French Bishop was recognized by the English Crown.

We find, however, that before this date the inhabitants of Jersey had conformed to the Reformed Church of England², though the Papist element was not destroyed and a

¹ Lequesne's *Constitutional History of Jersey*, p. 139.

² See *Acts of the Privy Council of England* (1547-50), p. 412.

temporary revival of Roman Catholicism took place in the reign of Queen Mary I. The Reformation in Jersey, owing to the presence of French Reformers¹ and to the Calvinism introduced by the students from Saumur, followed the Scottish rather than the English precedent. The Presbyterian discipline was introduced, and a synod for the Islands was held on June 28th, 1554. In her answer to a petition, Queen Elizabeth, by a loosely worded Order in Council dated August 7th, 1565, was supposed by the clergy to have acquiesced in the new discipline²; and James I., on August 8th, 1603, confirmed what he believed to have been the spirit of Elizabeth's Order. The Island was during the next few years in considerable ecclesiastical disorder, and in 1619 it was found desirable to revive the office of Dean of the Island. With the object, moreover, of obtaining a settled system of Church government, the ministers of the Island were requested to draft a code of canons and constitutions to be submitted to the Archbishop of Canterbury (Abbot), the Bishop of Lincoln (Williams), and the Bishop of Winchester (Andrews). These prelates revised the draft code, and as amended it was accepted by the clergy of the Island, and received the Royal Assent on June 30th, 1623. Canons 40 and 41 were as follow :

DES MAISTRES D'ESCHOLES.

“ 40. Il y aura un Maistre d'Eschole en chasque Paroisse, chosi par le Ministre, Surveillans, & principaux Jersey
educational
canons, 1623. d'icelle, & par après présenté au Doyen pour estre authorisé en cette Charge; & ne sera loisible à aucun de l'exercer sans y estre ainsy apellé: & les Ministres auront soin de les visiter, & exhorter à faire leur Devoir.

¹ See Lequesne's *Constitutional History of Jersey*, pp. 145—55.

² See Falle's *Account of Jersey*, p. 160, and Lequesne's *Constitutional History of Jersey*, pp. 152, 162.

"41. Ils useront de toute laborieuse diligence à instruire les Enfans à lire, escrire, prier Dieu, respondre au Catéchisme; les duiront aux bonnes Mœurs, les conduiront au Presche, & Prieres Publiques, les y faisant comporter comme il appartient¹."

These parochial schools appear to have existed long before the passing of these canons, which, in effect, merely established them upon a legal basis.

The reunion of the Church in Jersey with the Established Church of England was, in a measure, rendered secure by the fact that the scholars intended for orders in Jersey now went to Oxford or Cambridge, and not to Saumur. The foundation of Laurens Baudains was soon supplemented by the Established Church itself. In 1637 the Archbishop of Canterbury was enabled to endow three fellowships at Oxford for the Islands, and on April 1st of that year we find Sir Philip Carteret, Deputy Governor, and the Jurats recommending a candidate for 'the first fruits of that gift.' This particular appointment is important, because it shows the transition stage in the university education of the youth of Jersey. The recommendation concluded with these significant words: "We beseech your Grace to accept him, as he has left his hopes of preferment in the University of Saumur, in France, where he has proceeded Master of Arts with good approbation²." These fellowships were subsequently supplemented by the foundation by George Morley (1597—1684), the Calvinistic Bishop of Winchester, of five scholarships at Pembroke College, Oxford. Thus Oxford took the place of Saumur as the University of Jersey.

The educational system of Jersey was not worse than that which obtained in England. Indeed, Falle, the historian of Jersey, could write in the early part of the eighteenth

¹ Falle's *Account of Jersey*, pp. 166, 214.

² *Calendar of State Papers. Domestic. Addenda* (1625—49), p. 555.

century, "That here, even among the meaner sort of people of either sex, there are few but can read and write, fewer indeed than are commonly seen elsewhere." But he complained bitterly of the want of a public library: "reading would give our gentlemen juster notions of things, enlarge their minds, and render them more useful and serviceable to their country'."

The system of Church education remained in force in Jersey until the beginning of the nineteenth century, when the great English school societies extended their operations to this Island. The first Government building grant was made in 1836, when the Gorey National School received the sum of £100¹. From this date elementary education in Jersey may be considered to have followed the normal English course of development, annual grants having followed building grants as in England. By a "*Règlement*" dated August 9th, 1872, and passed as a result of the discontinuance of the annual grants from the Privy Council, a system of national elementary education analogous to that established in England in 1870 came into operation throughout the Island.

These active educational movements in the Isle of Man and in Jersey have been referred to at the end of the present chapter for the purpose of leading up to the series of events which were destined to revive national education in England and which began, with the dimmest of dim beginnings, toward the end of the seventeenth century².

¹ Falle's *Account of Jersey*, pp. 177, 178. In 1736 Philip Falle presented the Island with his collection of books, the beginning of a large public library.

² *Report of the Committee of Council on Education*, 1864-5, p. 538.

³ Reference to the history of education in the Empire of India has been omitted from this chapter, as the great movement which began with the petition of the chaplains at Calcutta for the establishment of schools in 1788, and which secured State support by the Charter Act, 1813, could not be adequately treated here. A slight but interesting sketch of the subject is given in Mr R. W. Frazer's *British India*, pp. 384-390.

CHAPTER V.

EDUCATION IN THE EIGHTEENTH CENTURY.

41. THE investigations that we have pursued have shown that a suspension of national education in the eighteenth century was an almost inevitable result of the political developments of the Reformation. That the education of the people was in a great measure suspended during that century it is impossible to doubt, though it would be ungrateful to forget or overlook the equally undoubted fact that the eighteenth century was, so to speak, the seed-plot of most, if not of all, the great movements and revivals of the nineteenth century, and that to it modern educational systems owe more than is generally acknowledged. A period of sleep is not inconsistent with growth, and it may be that in the history of nations, as in the life of individuals, there are periods of exhaustion, relaxation and low vitality, during which the body politic is resting in unconscious preparation for a new day. The eighteenth century is certainly an instance of a period of low vitality. Every student of English history and English social life is compelled to notice the mean standard of national ideals during the century ending about the year 1790. Religious belief was practically non-existent among a large portion of the population; the tastes of all classes of society were vitiated and brutal; social morality was debased; political corruption was rampant. In such an age it was difficult for

Suspension
of education in
the Eighteenth
Century.

national education to make any headway. It is a matter for congratulation that the educational foundations survived the temporary suspension of effective education for the people, and it is a striking fact that it was this very age that exhibited, in the period from 1660 to 1730, the most remarkable fecundity in the creation of elementary school foundations. This matter will be dealt with in the next chapter¹, but it is referred to here as an illustration of that extraordinary quality of the century which enabled it to store up rare benefits for future generations while it was apparently incapable of bettering its own case in any way.

Education generally was certainly in a most ineffective condition. This is in a way shown by Shenstone's (1714-1763) delightful, satirical poem 'The Schoolmistress', in which he draws a vivid picture of the manner of village education in his day. This picture, it may be said, has been verified and recognised as a true picture of a large class of elementary education in England as late as the middle of the nineteenth century by school inspectors who are still living. Some extracts from this poem will be of value.

Shenstone's
'School-
mistress.'

"In every village mark'd with little spire,
Embower'd in trees, and hardly known to fame,
There dwells in lowly shed, and mean attire,
A matron old, whom we Schoolmistress name,
Who boasts unruly brats with birch to tame ;

.
And at the door imprisoning board is seen,
Lest weakly wights of smaller size should stray,
Eager, perdie, to bask in sunny day !
The noises intermix'd, which thence resound,
Do Learning's little tenement betray,

¹ See pp. 189, 190, and Appendix II. *infra*.

² In this poem the poet celebrated his first teacher, an old dame, by name Sarah Lloyd.

One ancient hen she took delight to feed,
 The plodding pattern of the busy dame,
 Which ever and anon, impell'd by need,
 Into her school, begirt with chickens, came ;
 Such favour did her past deportment claim :

Lo, now with state she utters her command !
 Eftsoons the urchins to their tasks repair,
 Their books of stature small they take in hand,
 Which with pellucid horn secured are,
 To save from finger wet the letters fair."

This dame rules her school with the birch of justice :
 "And through the thatch his cries each falling stroke proclaim."

In consequence of such punishment the rest of the school

"..... con their tasks with mickle care

Till fear has taught them a performance meet,
 And to the well-known chest the dame repair,
 Whence oft with sugar'd cates she doth them greet,
 And gingerbread y-rare, now certes doubly sweet!"

The culprit however with wisdom "shuns to be caressed."
 The result of the admirable system is shiningly set forth ;

"Yet nursed with skill, what dazzling fruits appear !
 E'en now sagacious foresight points to show
 A little bench of heedless bishops here,
 And there a chancellor in embryo,
 Or bard sublime....."

It is almost impossible not to surmise that the "little bench of heedless bishops" were the licensing Bishops of the period, and that the "chancellor in embryo" was a prophetic vision of John Scott who, as Lord Eldon, blocked the progress of education for many years by holding that a grammar school could only teach the classics. Shenstone gives us, moreover, one other touch that cheerfully assures us of something in common between the children of his day and the children

brought up under our modern educational system. The scholars of both periods, probably the scholars of all periods,

“..... with jocund leer
Salute the stranger passing on his way¹.”

The rod to-day is, however, spared to an extent inconceivable in the days of Erasmus, or of Busby, or even of Eldon.

If elementary education was in the poorest possible way, the education of girls and, indeed, all secondary education, was in no better case.

Shenstone's glimpse of a dame-school in the first quarter of the eighteenth century may be supplemented by Miss Austen's description of girls' schools in its last quarter. “Mrs Goddard was the mistress of a school—not of a seminary or an establishment, or anything which professed, in long sentences of refined nonsense, to combine liberal acquirements with elegant morality, upon new principles and new systems—and where young ladies for enormous pay might be screwed out of health and into vanity—but a real honest oldfashioned boarding-school, where a reasonable quantity of accomplishments were sold at a reasonable price, and where girls might be sent to be out of the way, and scramble themselves into a little education, without any danger of coming back prodigies. Mrs Goddard's school was in high repute, and very deservedly; for Highbury was reckoned a particularly healthy spot: she had an ample house and garden, gave the children plenty of wholesome food, let them run about a great deal in the summer, and in winter dressed their chilblains with her own hands. It was no wonder that a train of twenty young couples now walked after her to church².”

¹ Our most vivid pictures of schoolboys in all ages are contained in the poets. An interesting monograph might be written on poets' schoolboys, beginning with Chaucer's little scholar of seven years.

² *Emma*, Chap. III.

The endowed foundations throughout the country during the whole period of the eighteenth century and for at least the first half of the nineteenth century yielded little fruit ; and it is doubtful if the Universities themselves were in any sense worthy of their great traditions. Cambridge certainly had become fossilised and lifeless. It is difficult to analyse with justice the causes that led to the suspension of educational activity in England. The exclusive policy of the Church of England, the political unwisdom of the Crown, the inaccessibility and blindness of the Chancery tribunals¹, the reaction of the Restoration, were all causes that hindered education. But there can be no doubt, as has been said, that the chief cause lay in the manners of England in the century between the return of Charles II. and the accession of George III. The great scholarship of a few, the great literary merit of a few, the great saintliness of a few, stand out in strong relief. But neither scholarship, nor literature, nor holiness, when isolated, can touch the hearts of a people. The nation for nearly a century lay to all appearance fallow, with room for the weeds of vice and ignorance to flourish. But nevertheless it is to this very period that we trace the origin of our modern system. It indeed appears true that in every age when society seems at its lowest ebb, and when there are absent from a people lofty ideals and deep faith, there are powers at work, unseen by men, preparing a better day. So it was in the first century of our era, so it was before the Renaissance, so it was in the eighteenth century.

42. It will be convenient here to trace the beginnings of the educational awakening in the attitude of the Law Courts in the eighteenth century and then to pass on to the great

¹ Lord Chancellor Hardwicke in the year 1751 exactly stated the educational conception of his age. "For though," said the great lawyer, "at the reformation greater invitations were made to bring the poor to schools, that is not so proper now, for at present the poor had better be trained up to agriculture" (*Attorney-General v. Middleton*, Vesey's *Reports* (Senior), vol. 2, p. 330).

slow national movement that culminated in the educational system of to-day.

The series of law cases here dealt with are important, as they show clearly the position adopted both by Church and State towards education, and present the continuity of idea that inspired the Church in its claim of control over, and the courts in their bias towards freedom of, education. The first case was decided in 1670¹ in the King's Bench. It is *William Bates's Case* and is reported as follows: "A Prohibition was prayed to the Commissary of the Arch-Deacon of Richmond, to stay a Suit against Bates a Schoolmaster; who, as it was alledged, taught School without the Bishop's Licence; and it was granted, because they endeavoured to turn him out; whereas they could only censure him, he coming in by the Presentation of the Founder." This brief decision is important because it opened the way for freedom from ecclesiastical control. The nominee of a founder, or of a lay patron, could not be ejected by the Bishop. It is possible that this decision in some measure accounts for the vast number of educational endowments that were founded in the last quarter of the seventeenth and the first quarter of the eighteenth century.

The next case is *Cory v. Pepper*, decided in the year 1679 before the King's Bench². This case decided that the spiritual court could hold plea of a matter prohibited by statute if they proceeded upon the canons and not for the recovery of a statutory penalty. Where there was a suit in the spiritual court for teaching a school without licence in contempt of the

¹ "Ventris's Reports, vol. i. p. 41; *Modern Reports*, vol. i. p. 3. See the same case in Keble's Reports, vol. ii. pp. 538, 544, *sub nomine Bales v. Kendall*. There it was held that where patronage is in feoffees or other patrons and not in the ordinary he cannot eject a schoolmaster. As to such lay patronage see *Withnell v. Gartham*, *Espinasse's Reports*, vol. i. p. 320, and *The Bishop of Carlisle's case* (1616), *Modern Entries*, vol. 2, p. 410. See also *ibid.* p. 403. As to licences see *Wood v. Hill*, *Comberbach's Reports*, p. 324.

² *Levinz's Reports*, vol. ii. p. 222.

canons it seems to have been held that canons requiring a schoolmaster to be licensed by the Bishop of the diocese to the end that schoolmasters might be fit to instruct their scholars in the true principles of religion were neither contrary to the laws of the land nor derogatory to the King's prerogative. This decision, if it stood alone, would appear to give the Church complete licensing power derived from the canons over all schoolmasters. The case, however, is very shortly reported, the wording of the report is ambiguous, and its value must be estimated in connexion with later and fuller cases on similar points. This case is succeeded by that of *Chedwick v. Hughes*, decided in 1699¹. In this case a prohibition was prayed to stay a suit in the ecclesiastical court against a schoolmaster for teaching a school without licence pursuant to the statute 1 Jac. I. c. 4, s. 9, "upon a Suggestion, that the said Statute gives a penalty of 40s. *per diem* against every such School-master, and that by Law *nemo puniri debet bis pro uno & eodem delicto*.

Cory v.
Pepper, 1679.

"*Et per Curiam*, A Prohibition was granted, and so it was in the case of *Oldfeld versus Sir Richard Raines*, upon the like Suggestion." The importance of this case is the decision by the court that where there is a civil remedy a suit in the ecclesiastical courts will not lie.

The fourth case is one of importance, as it shows the limit of ecclesiastical jurisdiction over schoolmasters.

It is *Cox's case*, decided in the year 1700². Cox, a schoolmaster, had been libelled in the spiritual court at Exeter for teaching school without licence from the Bishop, and thereupon an application on behalf of Cox was made to the Lord Keeper for a prohibition. The report shows that even at this date a judge, though weak, was open to conviction. In answer to the application for a

Cox's Case,
1700.

¹ Carthew's Reports, p. 464.

² Peere Williams's Reports, vol. i. p. 29.

prohibition Lord Keeper Wright said: "I always was, and still am of opinion, that keeping of school is by the old laws of *England* of ecclesiastical cognisance, and therefore let the order for a prohibition be discharged.

"Whereupon I [namely Peere Williams] moved, that this libel was for teaching school *generally*, without showing what school; and court christian could not have jurisdiction of writing schools, reading schools, dancing schools, etc.

"To which the Lord Keeper assented, and thereupon granted a prohibition as to the teaching of all schools, excepting grammar schools, which he thought to be of ecclesiastical cognisance¹."

The resolution in *Cox's Case* is sufficiently remarkable. It decided that there was not and never had been any ecclesiastical jurisdiction over any schools save grammar schools—no jurisdiction over writing schools, or over reading schools; no jurisdiction in fact over strictly elementary education. It will be remembered that in Scotland the Church in early times expressly claimed jurisdiction over elementary schools, and it is a matter for extreme surprise that we should find a decision in the last year of the seventeenth century declaring that at common law the Church of England had no such jurisdiction. The importance of the decision lay at the time in the fact that throughout the country elementary schools for the poor could be started without invoking the express machinery of the Church.

In the next year, the freedom of elementary schools from control was even more strongly emphasised in the case of *Rex v. Douse*, decided in 1701². In this case the defendant was indicted under

Rex v. Douse,
1701.

¹ In a side note in the 1826 edition of Peere Williams we find the statement "Salk. 672, the same point argued but no resolution." This was the case of *Matthews v. Burdett*, referred to *infra*, p. 175. *Cox's case* limited the wide area of Church control. A claim to license midwives had been rejected in 1634. See *Beuskin v. Crispe* (*Modern Entries*, vol. 2, p. 410).

² Lord Raymond's *Reports*, vol. i. p. 672.

statute 1 Jac. I. cap. 4, for having kept school without a licence of the Bishop of the diocese. It was argued for the defence that "this school was not within the act of James I. because the act extends but to grammar schools, and this school was for writing and reading." On this ground the indictment was quashed. We thus see that neither Church nor State had at this time any control over elementary education. The control of both the spiritual and the civil tribunal was limited to grammar schools.

In the same year (1701) was decided in the Easter Term, by Chief Justice Holt, the very important case of the *King v. Hill*¹. From the two reports of this case it appears that the master of a grammar school, teaching without a licence from the ordinary, was excommunicated by the spiritual court for the non-payment of costs assessed against him in the spiritual court,

Rex v. Hill,
1701.

"*in quodam negotio puerorum educationis sive instructionis sine aliqua licentia in ea parte prius obtenta.*" The Court of King's Bench quashed the writ *de excommunicato capiendo* for uncertainty since the kind of teaching was not referred to in the writ and it might have been a teaching to dance or fence and not a teaching of letters. In the course of the case (as reported in the *Modern Reports*), Sir John Holt, Chief Justice, with reference to a doubt raised as to whether teaching even a grammar school without licence were punishable in the spiritual court, especially since 14 Car. II. c. 4 and other statutes inflicting the penalty of 40s. on such offenders², said:

¹ The case is reported shortly in Salkeld's *Reports*, vol. i. p. 294, under the heading of *excommunicato capiendo*; and it is also reported somewhat fully in *Modern Reports*, vol. xii. p. 518, case 867. There is apparently a third Report from which Lord Stanley quoted in the House of Commons in 1839, but this Report has not been traced.

² See the case of *The King and Patrick v. Queens' College, Cambridge*, reported in Keble's *Reports*, vol. i. pp. 289, 294, 298, 551, 610, 665, 833. This case was argued on eight occasions between 1661 and 1664. The question before the Court was whether a mandamus lay to the Senior Fellow from the King's Bench to swear and admit Dr Patrick to the

"If there were a canon prohibitory of this matter before the 25 Hen. VIII. c. 19, it is now confirmed by that statute; and there is a canon of *Queen Elizabeth*, '*De Ludi-magistris*'; and without doubt school-masters are in a great measure intrusted with the instruction of youth in principles, and therefore it is necessary they should be of sound doctrine, and in order thereunto subject to the regulation of the ordinary. But prohibitions have deservedly gone to stop proceedings for teaching school without licence, because it is a point never yet determined." At the conclusion of the case Sir John Holt intimated that he had acquainted the Bishops with the matter and that he wished them to be more concise in their *significavit*s or else they could not have the aid of the King's Bench. It seems clear therefore that, in 1701, if the class of teaching had been specifically mentioned in the *significavit* to the writ—and if the class of teaching were grammar school teaching—the Court of King's Bench would have upheld the spiritual jurisdiction and would not have quashed the writ.

Mastership of Queens' College, to which he had been elected by a majority of the fellows. The issue of the mandamus depended upon the character of the corporation. If it was purely spiritual the King's Bench had no jurisdiction. It was argued that "mandamus's have been granted to restore Ushers, Schoolmasters, Churchwardens and Parish Clerks," and that the College was not more under the control of the Church than these persons. Mr Justice Kelyng moreover argued (p. 611): "Also all the Law is divided into Temporal and Ecclesiastick, and here is no pretense of suing in Spiritual Courts, but only to Visitors, which are set up as an intermediate Jurisdiction, from whom lieth no Appeal, which is derogatory to the Justice of the Nation: Every founder may make Laws, but the Common Law shall judge whether they be broken, or not, else it would set up an uncontrollable Jurisdiction against the King." Jones (p. 665) argued further that "a Free-School or Work-House is as much bound *ad orandum* as Colledge, and therefore by the Common Law this Court hath a proper Jurisdiction." And it was further argued that though a mandamus did not lie in the case of a licensed schoolmaster "but if unincorporated, it lieth well enough."

The judges were eventually equally divided in opinion, the mandamus did not issue and Dr Patrick had to give way to Dr Sparrow. In the same year (1662) it was held in *Dr Widdrington's case* (Levinz's Reports, vol. i. p. 23) that a mandamus to restore a fellow of a college does not lie where there is a visitor to the college.

In 1702 in the Queen's Bench the case *Matthews v. Burdett*¹ was argued. In this case, upon which no judgment was ever delivered, great efforts were made to establish the position that school-masters were not under the control of the Church. Dr Lake, a civilian, argued at length that "a School-master is a Lay-Employment, and was formerly under the Care of the Civil Magistrate: *Stillingsfleet's Orig. Brit.* 210, 212, 213, That the Common Law takes no Notice of it but as Temporal. *Vide* 11 *H. 4 Poph.* 170; *Reg.* 35, And that the only Mention of it before the Reformation, is *Anno Domini* 1408, *Per Lyndewode* 282. That School-masters permit not their Scholars to dispute of Religion, under Penalty of being censured for Heresy, to which every Body was liable; which Provision was to prevent the spreading of *Wickliffe's* doctrine: That no law or Canon required a Licence till the Council of *Lateran*, *Anno Domini* 1215, *Decret.* 6, *Tit.* 5, *cap.* 1, 2, 3, and that is, That there shall be a Schoolmaster in every Cathedral, and that he shall be licensed by the Bishop. That the several Acts of Parliament which require the School-master's taking a Licence from the Bishop, shew it was not necessary before, nor was there any such Usage or Practice that can be made appear. *Vide Stat.* 23 *Eliz. c.* 2. 1 *Jac. I. c.* 4, 14 *Car. II. c.* 4." On the other side Cowper argued that it appeared by custom that the Bishop was to superintend the education of youth². No decision was given in this case, which however is important as showing that both civilians and common law advocates recognised the common law as ascertained in the *Gloucester Grammar School Case*. It is curious that neither side cited *Cox's Case*, decided two years before. That case, as we have seen, excluded all schools but grammar schools from spiritual

*Matthews v.
Burdett, 1702.*

¹ Salkeld's *Reports*, vol. 2, p. 672; *ibid.* vol. 3, p. 318.

² Lyndwood, the statute 2 Hen. IV. c. 15, and immemorial usage were relied on by counsel in resisting this application for a prohibition: see p. 36 *supra*.

control. *Burdett's Case* endeavoured without success to throw off such control from all schools whatsoever.

43. At this point it will be convenient to refer to various Acts that affected education in its relation to the Established Church. An Act that throws some light on the rapid creation of educational foundations in the early Eighteenth Century was passed in 1695–6¹. In order to encourage learning and to augment the revenues of schools and colleges already founded the King was empowered by this Act to grant licences to alienate land and to hold it in mortmain. The chief question, however, that was in the mind of Parliament was as to the expediency of allowing Dissenters and Roman Catholics to exercise their religion and to teach their children. The Acts of Toleration² secured to Dissenters the right to practise their religion upon specified terms, and another statute³ passed in 1714 to some extent relieved Dissenters from the disabilities of teaching.

We may quote certain portions of this Act for the purpose of exhibiting the relief granted. "Whereas" ran the preamble "notwithstanding the said Act [14 Car. II. c. 4], sundry Papists and other Persons dissenting from the Church of England have taken upon them to instruct and teach Youth as Tutors or School-masters and have for such Purpose openly set up Schools and Seminaries whereby if due and speedy Remedy be not had great Danger might ensue to this Church." Consequently the Act re-enacted and further provided that no licence should be granted unless Sacrament Certificate was produced and the oaths of Allegiance and Supremacy were taken, and the Declaration of 25 Car. II. c. 2, was subscribed. Persons attending any meeting or assembly for the exercise of religion "where Her Majesty (whom God long preserve) and the Elector of Brunswick or such others

¹ 7 & 8 W. III. c. 37.

² 1 W. & M., c. 18, and 10 Anne, c. 6 (1711).

³ 13 Anne, c. 7.

Eighteenth
Century
education
statutes.

as shall from time to time be lawfully appointed to be prayed for shall not be there prayed for in express words. ...shall from thenceforth be incapable of teaching any publick or private School or Seminary or instructing any Youth as Tutor or Schoolmaster." All licensed persons were obliged to teach the Church Catechism. The Ordinary might cite and proceed against persons keeping school without licence; but persons might, after conformacy for a year, receive the licence to teach.

The Act did not extend to any person who as a tutor or schoolmaster should instruct youth in reading, writing, arithmetic, or any part of mathematical learning, so far as such mathematical learning related to navigation, or any mechanical art only, and so as such reading, writing, arithmetic, or mathematical learning should be taught in the English tongue only. This Act was repealed in 1719¹.

It was not till sixty-five years later that any further relief by statute was granted to dissenting schoolmasters. By a statute of 1779², an Act still in force, it is provided by section 2 that "No Dissenting Minister, nor any other Protestant dissenting from the Church of *England*, who shall... make and subscribe...the Declaration hereinbefore mentioned, shall be prosecuted in any Court whatsoever, for teaching and instructing Youth as a Tutor or School-Master; any Law or Statute to the contrary notwithstanding." Section 3 is as follows: "Provided always, That nothing in this Act contained shall extend, or be construed to extend, to the enabling of any Person dissenting from the Church of *England* to obtain or hold the Mastership of any College or School of Royal Foundation, or of any other endowed College or School for the education of Youth, unless the same shall have been founded since the first Year of the reign of their late Majesties King *William* and Queen *Mary*, for the immediate Use and Benefit of Protestant Dissenters."

¹ 5 Geo. I. c. 4, s. 1.

² 19 Geo. III. c. 44.

The same relief was granted in 1790-1 to Roman Catholics by a statute¹ which enacted "That no Ecclesiastick or other Person professing the *Roman* Catholic religion, who shall take and subscribe the Oath of Allegiance, Abjuration and Declaration hereinbefore mentioned and appointed to be taken and subscribed as aforesaid, shall be prosecuted in any Court whatsoever, for teaching and instructing Youth, as a Tutor or Schoolmaster, any Law or Statute to the contrary notwithstanding." This provision as to taking certain oaths has since been repealed², but it is still necessary for schoolmasters who are not Roman Catholics and are not members of the Church of England to take the declaration of 1779. Section 14 of the Act of 1790 provides also "That no person professing the *Roman* Catholic Religion shall obtain or hold the Mastership of any College or School of Royal Foundation or of any other endowed College or School for the Education of Youth or shall keep a School in either of the Universities of *Oxford* and *Cambridge*." So much of this section as related to the Universities of Oxford and Cambridge and Durham was repealed by an Act of 1872³. Considering the general drift of public opinion, it is sufficiently remarkable that at the present day Protestant Dissenters should still be under an obligation to make the declaration contained in the Act of 1779 while no obligation of this kind attaches to Roman Catholics.

44. We may now deal with certain important law cases which will show the views of the judges as to the educational position. In the case of *The Educational Law Cases* (1734-1837). *King v. The Bishop of Lichfield*, decided in 1734⁴, Lord Hardwicke, Chief Justice, took up a doubting position as to ecclesiastical authority over even grammar

¹ 31 Geo. III. c. 32, s. 13.

² 34 & 35 Vict. c. 48.

³ 34 & 35 Vict. c. 26, s. 8.

⁴ *Modern Reports*, vol. vii. p. 217 (The Universities Tests Act, 1871); *Strange's Reports*, vol. ii. p. 1023.

school masters. "It is pretty extraordinary," he said, "how the keeping of a grammar-school should be matter of ecclesiastical conusance. Many authorities have been cited from the canon law in maintenance of that power, but that is not sufficient, unless it appear that those canons have been received. The canons of 1603 are not obligatory on the laity, as they have never been confirmed by act of parliament; but, however, that is not material here, this being a case of a clergyman." In the same case, Mr William Lee, Justice, said:—"Whether teaching school is a matter of temporal or ecclesiastical conusance has been much litigated, nor do I know whether it has ever been determined; the last time this matter came in question, was in the case of *Matthews v. Burdett*¹. It has been, indeed, determined to be of temporal cognizance in respect to the penalty inflicted by 1 Jac. I. c. 4². But that question seems not very material in this case. The acts requiring a licence to be had necessarily imply a power in the ordinary of granting such licence; and in consequence of that it seems they have a discretionary power of judging of the qualification of persons to be licenced." Mr Justice Lee's position was supported by the decision in 1735 on other proceedings dealing with the same facts in *Rushworth v. Mason*³, which showed that a *careat* could be entered with the Registrar of the Bishop against a man obtaining a licence to teach, though in that particular case the *careat* was dismissed.

In the case of *Jones v. Gegg*, decided in the year 1741⁴, Sir William Lee, who had now become Chief Justice, held that "the teaching school without licence is now made a temporal offence, and a penalty given for doing it; so it seems the spiritual court has now no jurisdiction of this offence." This decision

Rex v. The
Bishop of Lich-
field, 1734.

Jones v. Gegg,
1741.

¹ Salkeld's Reports, vol. 2, p. 672; see p. 175 *supra*.

² Carthew's Reports, p. 464, *Chedwick v. Hughes*, *ubi supra*, p. 171.

³ Comyn's Reports, p. 448.

⁴ Modern Reports, vol. VII. p. 374.

coupled with the decision in the case of *The King v. The Bishop of Lichfield* laid down the limits of authority respectively of the secular and spiritual courts.

In the case of *The King v. The Archbishop of York*, decided in 1795¹, it was held that "Masters of grammar schools must be licenced by the ordinary, who may examine the party applying for a licence as to his learning, morality, and religion. It is a good return to a mandamus to the ordinary to grant such a licence to state that he had suspended granting his licence until the party would submit himself to be examined 'touching his sufficiency in learning'." In his judgment Lord Kenyon, Chief Justice, throws some light on the state of grammar schools in the eighteenth century. "Whoever will examine," he said, "the state of the grammar schools in different parts of this kingdom will see to what a lamentable condition most of them are reduced, and would wish that those who have any superintendence or control over them had been as circumspect as the Archbishop of York has been on the present occasion². If other persons had equally done their duty, we should not find, as is now the case, empty walls without scholars, and everything neglected but the receipt of the salaries and emoluments. In some instances that have lately come within my own knowledge, there was not a single scholar in the schools though there were very large endowments to them."

We find ourselves, in fact, at the end of the eighteenth century curiously situated. After a century and a quarter of legislation and litigation, the position of the Church in relation to schools and schoolmasters, and in relation to the civil courts with respect to educational questions, had become well ascertained; but nevertheless by this time the

¹ *Term Reports*, vol. vi. p. 490.

² His interest in education may perhaps be accounted for by the fact that in earlier days Dr Markham had been for twelve years headmaster of Westminster School, and from 1771 to 1776 was tutor to George, Prince of Wales. Bentham was under him at Westminster.

Church had ceased to heed the importance of its educational functions. For the first time in the history of education in England had national education ceased to interest and inspire the national Church. At the beginning of the eighteenth century, corrupt as the age was, the Church was keenly interested in educational foundations, and did all that was possible at that date to secure churchmen and scholars as schoolmasters, and to foster purely elementary education. In the course of the century the opium of the age had penetrated into the mind of the Church, and the education of the people was forgotten save in exceptional cases, such as that upon which Lord Kenyon was called to adjudicate.

The listlessness of the eighteenth century Church.

It was left to this period to supply the decision that no duty at common law lay upon the parent to educate his child. In the case of *Hodges v. Hodges*, decided on February 25, 1796¹, it was held that "if a husband treats his wife cruelly and A. takes her into his house and provides her with necessaries, he may maintain an action against the husband, but cannot maintain any action for the education of the children." In his judgment Lord Kenyon stated that: "a father was bound by every social tie to give his children an education suitable to their rank, but it was a duty of imperfect obligation, and could not be enforced in a court of law." It is perhaps somewhat remarkable that this salient fact as to the responsibilities of parents should have been left in the nebula of the common law till so late a date. About this period also a new obstacle was thrown in the way of education. We have heard Lord Kenyon's evidence, in 1795, as to the lamentable condition of the grammar schools at that date. Efforts had however been made to render these foundations of some effect by the teaching in them of elementary subjects and of subjects of commercial use. This was, however, stopped by the courts. In the case of the *Attorney General v. Whiteley*, decided on

¹ Peake's *Reports of Cases at Nisi Prius*, vol. II. p. 79.

July 22, 1805¹, Lord Eldon held that the foundation being a free grammar school at Leeds for teaching grammatically the learned languages the court must refuse to permit the allocation of part of the funds to procure masters for French and German, or to create a subsidiary establishment with a view to commercial teaching.

Two judgments of Lord Eldon.

In this case the counsel against the application said that it was the first attempt to divert a charitable foundation from its original design. It was probably the first application to the court, but many charities had in earlier days been diverted from purely classical teaching. In the case of the *Attorney General v. Earl of Mansfield*, decided in 1826-7², Lord Eldon held that where a school ought to be a grammar school for instruction in the classics the trustees would not be permitted to convert it into a school for teaching merely English, writing and arithmetic, even though it had ceased before the time of living memory to be a place for classical instruction, and though it appeared from old regulations that elementary instruction in English had always been one of the objects of the institution. In his judgment Lord Eldon said: "There have been changes made in many of them, [English grammar schools] and made without due authority, under the notion that education might be more usefully conducted upon another plan."

Lord Eldon, hampered by the tradition of equity, was unable to entertain the same notion and to regard himself as authorised to sanction the other plan.

In the same judgment delivered on November 13, 1826, Lord Eldon gives us an interesting peep into the grammar school of his boyhood (*circa* 1763): "I am old enough to remember, that, when I had the benefit of an education at one of these grammar schools³, education was carried on

¹ Vesey's *Chancery Reports*, vol. xi. p. 241.

² Russell's *Reports in Chancery*, vol. ii. p. 501.

³ Under Hugh Moises at Newcastle Free Grammar School.

in what I believe was once a *capella* or *sacellum*; that the boys educated there, were headed by their venerable master to church constantly upon *Sundays*; and that that part of the duty of a master of a free grammar-school was in those days as much attended to as teaching the scholars the learning which they ought there to acquire. Whether that practice is now continued in grammar-schools, I do not know; but this I know, that it ought still to be attended to as much as ever¹." But before the decision in this last case, the principle laid down by Lord Eldon had been infringed in the case of the *Attorney General v. Dixie*, decided on December 23, 1825², where provisions for instructing the boys in writing and arithmetic were made part of the scheme of the grammar school on the ground that it was consistent with the due execution of the charity. In 1827, Lord Lyndhurst in the case of *Attorney General v. Haberdashers' Company*, introduced a provision for giving instruction in writing and arithmetic into a scheme for the administration and management of a free grammar school³, whilst on June 3, 1837, it was held in the case of *Attorney General v. Jackson*⁴, that the term "free-school" did not mean "free grammar-school," and that in the case before the Court a free-school could promote elementary education. At this date, however, education was hindered no longer by the deep darkness of the eighteenth century. It remains to be described how the dawn had crept into sight.

¹ Presumably (see p. 94 *supra*) in accordance with statute 23 Eliz. c. 1, s. 5: an Act, however, that did not, it would seem, apply to those who were within the Acts of Toleration. It had been decided, moreover, as long before Lord Eldon's time as the year 1699 in the case of *Belcham v. Barnardiston* (Peere Williams's *Reports*, vol. i. p. 32, footnote), that a schoolmaster could not be prosecuted in the ecclesiastical courts for not bringing his scholars to church in accordance with Canon LXXIX. of 1603. See also p. 98 *supra*.

² Russell's *Reports in Chancery*, vol. III. p. 534, footnote.

³ Russell's *Reports in Chancery*, vol. III. p. 530.

⁴ Keen's *Reports in Chancery*, vol. II. p. 541.

CHAPTER VI.

THE DAWN OF ELEMENTARY EDUCATION IN ENGLAND.

45. **Præ-Reformation Elementary Education.** THE obscurity that surrounds the early history of our national system of State-aided and State elementary education renders the subject one of considerable fascination, though its importance has to some extent been neglected amidst the larger educational issues of modern times. In this chapter it is necessary to indicate the beginnings of that vast system of education which has sprung from voluntary effort.

In the case of England we do not appear to possess the same amount of definite information regarding elementary education in præ-Reformation times as is available with respect to Scotland. Side by side with Scottish grammar schools and schools for Latin there existed, as early as the twelfth century, lecture schools—elementary schools where English was taught. These schools were under the jurisdiction of the Church, and, as was decided in the case of a school in Glasgow in the year 1494¹, no one was allowed, without the express licence of the chancellor of the diocese, to instruct children in elementary subjects. These lecture schools were not in themselves of much value, but they formed a distinct and recognised class of schools; and this fact is in

¹ See p. 115, *supra*.

itself important, despite the poor state of education in Scotland before the Reformation.

In England elementary education from the earliest times was in the mind of the Church. As we have seen, canons made in the reign of King Edgar (960 A.D.), enjoined the priest that he should "diligently instruct the youth, and dispose them to trades¹," and canons at the end of the twelfth century ordained the free licensing of schoolmasters.

Obscure as the subject of elementary education before the Reformation appears to be, yet it is clear that there were four classes of elementary schools in England in the Middle Ages—namely, A B C schools, reading schools, reading and writing schools, and song schools of a "higher elementary type²." But, with the exception of the "song schools," it is difficult to trace any clearly defined type of elementary schools such as existed in Scotland. That there was such a class we need not doubt. *The Digest for Schools and Charities for Education* of 1842 names 168 endowed non-classical schools of unknown date; and, unreliable as that Digest is with respect to all endowments of early date, it may be suggested with some show of reason that these undated elementary endowed schools were in the bulk the residue of the "English" schools that survived the Reformation.

We get a clear picture of a fourteenth-century elementary school in Geoffrey Chaucer's *Prioresses Tale*³. The Prioress tells us of a "litel scole" where the children learned

". . . to singen and to rede,
As smale children doon in hir childhede."

To this school "a litel clergeon, seven yeer of age"—a chorister boy—went day by day and 'sat in the scole at his prymer,' learning his "litel book." As he conned his task he heard

¹ See p. 8, *supra*.

² See Mr A. F. Leach's *English Grammar Schools at the Reformation*, p. 92.

³ See lines 36–105.

the children singing the *Alma Redemptoris Mater*, but he understood not the Latin. He learnt part of
Chaucer's schoolboys.
the chant by rote, and then asked an elder scholar its meaning. His elder told him what he himself had been told as to the meaning, and added :

“I can no more expounde in this matere;
 I lerne song, I can but smal grammere.”

So the little chorister determined to learn it all for himself before Christmas.

“Though that I for my prymer shal be shent
 And shal be beten thryës in an houre.”

He soon sang it ‘wel and boldely,’ and

“Twyës a day it passed thurgh his throte,
 To scoleward and homward whan he wente.”

The great poet's pen has made us almost see and hear it all. The story illuminates with a clear light the ages that we have been taught by eighteenth-century writers to regard as dark and barbarous. The little man of seven years toddling to school in the morning and home in the evening singing to himself the *Alma Redemptoris Mater* is a picture that shines through the mist of time with no uncertain message. The eighteenth century certainly has nothing as living and as hopeful to show us. The little clergeon's school was a school of the days of John de Trevisa, when England was awaking to independent thought and action. It was no mean dame school or pitifully farmed-out grammar school. It had its three grades—the ABC school, or reading school; the song school, with its higher elementary teaching; the grammar school, where the boys were fitted for the Universities. It was the Reformation residue of these schools that carried both primary and secondary education into modern times.

It must be remembered that the large majority of the grammar schools popularly attributed to the educational

activity of King Edward VI. were in fact schools that had existed before the suppression of the Chantries in 1547, and were continued by his Commissioners under new regulations and under new names. Consequently the educational system of the Reformation possesses true continuity with the educational system that existed before the Reformation; and it is not an exaggeration to suggest that many of the undated and some of the dated non-classical schools were really also revivals of non-classical elementary schools that existed before the suppression of religious houses in England. Among the Records of 1546 and 1548, with which Mr Leach deals in his *English Schools at the Reformation*, he finds¹ 23 song schools of the higher elementary type and 22 purely elementary schools. These 45 elementary schools certainly did not exhaust the number that existed at the Reformation; and the legislation of Richard II. in favour of elementary education for the villein, following his refusal to entertain a petition against such education, shows how widespread were elementary schools in mediæval times.

It will be useful to mention a few of the sixteenth- and seventeenth-century elementary non-classical schools, taken from the *Digest of Schools and Charities for Education*, issued by the Commissioners for enquiring into charities in 1842. We have Sutton St Mary, Lincolnshire, 1492; Irby, Lincolnshire, 1503; Mickleton, Gloucestershire, 1513; Aymestry, Herefordshire, 1515; Kippax, Yorkshire, West Riding, 1549; Stevenage, Hertfordshire, 1552; Little Waltham, Essex, 1558; Cranbrook, Kent, 1573; Brailes, Warwickshire, 1581; Onibury, Salop, 1593; Gillingham, Dorsetshire (date unknown), regulated by the Commissioners for Charitable Uses in 1599; Littlebury, Essex, 1595; Marden, Herefordshire, 1609; Sherbourne, Dorsetshire, 1640; Cheshunt, Hertfordshire, 1643; Weobley, Herefordshire, 1653; Broxbourne, Hertfordshire, 1657. In the case

Early
Non-classical
Schools.

¹ See pp. 91, 92.

of the Aymestry School the founder directed "the Sexton of the Parish to teach the School." The Clerk's School at Skipton (West Riding of Yorkshire), founded in 1556-7, supplied instruction in "spelling and reading the A B C, the Primer and Psalter in Latin." The Gillingham School may well have belonged to the *præ*-Reformation period. The names of many schools of the sixteenth and seventeenth centuries may be gleaned from this Digest or from the valuable digest of returns to the circular letter from the Select Committee on the education of the poor in 1818. The equation of unreliability in these reports will give an earlier date for most early schools, and is in favour of the contention that elementary education was widespread before the Reformation.

It is of course quite possible that these endowed elementary schools did more harm than good to national education in the first sixty years of the nineteenth century, but they nevertheless represent an element that formed part of the basis of a national system, and they must be regarded as the English counterpart of the Scottish lecture schools. The number of early foundations compels the belief, indeed, that there was a widespread system of endowed elementary education in England before the Reformation.

To these undoubted elementary schools must be added the large number of secondary schools that were perverted to primary uses—a practice that Lord Eldon, with a finer regard to law than equity, did his best to abolish. It must be remembered that all these endowed schools—primary and secondary alike—were under the control of the Church in practice if not in theory; for it is impossible to regard the position adopted by King Edward III. in 1344¹ with regard to the patronage of grammar schools as an effective protest against the all-enveloping power of the Church in matters of education. In the year 1700 it was held by the Courts that a licence from the Bishop to keep school was necessary in the case of every

¹ See pp. 16, 31, *supra*.

endowed grammar school¹; moreover no dissenter could, nor can, teach in any endowed school not founded for the use and benefit of Protestant dissenters². We must, therefore, in considering the materials available for a national system, regard all endowed schools, with certain specific exceptions, as Church schools. It will be remembered that the Act of Uniformity of 1662 had placed great restrictions on public and private education by the extraordinarily strict tests applied to all schoolmasters and tutors. This educational provision was in vain resisted by the House of Lords, and its result was injurious in the extreme to education. From 1662 we may date that decay in, as opposed to the earlier wholesale destruction of, endowed education from which we have not yet recovered. In one sense we must go much farther back for the causes that prevented the true development of the magnificent endowed system created in the Middle Ages; but the Restoration is the date from which we must measure the peculiar evils that have afflicted endowed education in England during more than two centuries. During that period of time the combined influence of State and Church and pedantic legal decisions numbed the usefulness of innumerable endowments.

46. Long before the close of the seventeenth century, in the face of the stern and impolitic position adopted by the politicians of the Church and by the Legislature alike, an extraordinary movement began. The immense number of endowments that were created between 1660 and 1730 requires some explanation. The Digest of 1842 gives a list of 2194 endowed non-classical schools as existing at that date. Since this Digest is admittedly imperfect and inaccurate as regards early schools, it is certain that this is an incomplete list. The Digest may, however, be regarded as quite trustworthy with respect to schools founded after 1660. The results of Lord Brougham's

The anti-
Uniformity
Schools.

¹ See *Cox's Case*, pp. 171-2, *supra*.

² See p. 177, *supra*.

Commission were used, and the work was done by most competent persons. This Digest shows that no less than 905 non-classical endowed schools were founded between 1660 and 1730. Thus more than one-third of the endowed non-classical schools existing in England in 1842 were founded in these seventy years. Moreover, out of the total of 2895 endowed schools mentioned in the Digest, as many as 1077 were altogether founded in this period¹.

It may be suggested that it was a vast spontaneous movement intended to facilitate the progress of education in spite of the Act of Uniformity and the political application of Church control over education. In *Bates's Case*, decided in 1670², the Courts held that a schoolmaster presented by a founder, or lay patron, of an educational charity could not be ejected from his office by reason of his not holding the bishop's licence, and this decision afforded a loophole for those who desired to found schools that could escape the control of authorities who preferred conforming illiteracy to uncontrolled education. The loophole created by the decision appears to explain satisfactorily, to some considerable extent, the vast number of educational foundations that came into existence between 1660 and 1730. The explanation is not complete, but it at any rate offers a partial solution of what seems an extremely complex historical problem.

The general outburst of philanthropy in the reign of Queen Anne is itself so difficult of explanation that it does not explain the desire of so many to give education to the poor. The means of education were given to the poor abundantly in the shape of these foundations, coupled with the large number of charity schools that were founded in the same period. The remarkable fact is that these schools pro-

¹ In making this calculation no account is taken of the large number of schools that gained augmented endowments between the years 1660 and 1730. See Appendix II *infra* for fuller figures on the whole question. The creation of endowments was, to some extent, fostered by the Legislature by the statute 7 & 8 Will. III, c. 37. ² See p. 170, *supra*.

duced so slight an effect on the ignorance of the people that the opening of the nineteenth century presented to the eyes of the world a nation that was suffering from intellectual starvation amidst an abundance of schools of every class.

47. It was not, however, chiefly from endowments that the new life of education sprang. Ancient endowments were perhaps food for the new life while the modern endowments were in part a reaction from the State-Church policy. But we have as well, at any rate, to look in other directions for the origin of our national system.

It will be useful to consider the early action of local authorities in relation to education. A systematic search of vestry records and the accounts of churchwardens and overseers would most probably show some very remarkable facts in relation to education. It will be useful to indicate the nature of some of these facts. In the *Catalogue of Westminster Records* we find under the date 1561, as we have already seen, in the overseers' accounts of the City of Westminster, the item "To Bull for teachinge a childe... viii d."; and again, in 1586, "Paied to John Creverne als foote toards his maintenaunce of his Learninge at the universitie at Oxenford and allowed him by the parish xvi pence the weeke and paied to him for ii weekes ... ii s. viii d." Again, in 1628, the vestry gave George Edgelie £5 "towards his charge to proceed master of arts," and £4 to Richard Goodwin "towards proceeding bachelor of arts," and £5 to Richard Busby "towards enabling him to proceed bachelor of arts." In 1671 Mrs Hooper was paid 2s. 6d. a week for three weeks "for teaching the parish children." The payment was made by Dr Busby. In 1672 Dr Busby paid £5 for teaching the parish children.

The following entry in the vestry minutes is of particular importance: "Sunday, the 18th of Decr., 1681—The Peticon of Thomas Jordan praying that he may be settled and continued in the Imployment of instructing the parish Poore

Early
Rate-aided
education.

Children being this day read was laid aside (It being the opinion of this Vestry that he is not capable of performing that undertaking as it ought to be done). And upon his further Application complayning of his poverty having four Small Children and an Impotent sister lying on his Hands. The Vestry have thought fitt & do Accordingly Order that the said Thomas Jordan shall be relieved and have halfe a Chaldren of Coles of the stock for this yeare (he having already had one Half Chaldren of the said stock) and 2s. per weeke towards the support of his said Family Provided his said Sister doe not become chargeable to the Parish. And at the same time Judith Smith wife of Thomas Smith was presented as a fitt person to undertake the Teaching of the said Poore Children which was accordingly conferred upon her. And she to receive for her Care and Paines therein half a Chaldren of Coles (being the remainder of the stock for this yeare) and all the moneys of Dr Busbys yearely gift of Six Pounds that shall remaine when the Coles are paid for." This Mr Busby whom the vestry helped at Oxford was the famous Head Master of Westminster. He appears to have been desirous of repaying the vestry for their help in his time of educational need.

Another very early instance of vestry-promoted education is to be found in the case of the select vestry of Hackney. In 1613, the year of the establishment of the vestry, it is recorded in the minutes that the vestry appointed a school-master, who was to take no more than fourpence a week from parishioners' children learning grammar, writing, or accounts, nor more than twopence a week for children learning English only¹.

It is not easy to state the legal grounds upon which funds were granted by vestries for educational purposes, nor is it necessary to do so here. The fact that the rates were applied to this purpose is the important matter, and the evidence amply proves this fact.

¹ See Lyson's *Environs of London*, vol. II. pp. 333, 334 (footnote).

THE BISHOPSGATE STREET WORKHOUSE SCHOOL, 1698. 193

48. An Act of 1662¹, entitled "An Act for the better Releife of the Poore of this Kingdom," gave power for the erection of workhouses in London, Westminster, and the boroughs, towns, and places of the county of Middlesex or Surrey situated within the parishes mentioned in the Weekly Bills of Mortality. Section 7 gave the Common Council of the City of London power to levy a rate to supply "present stocke for the foundation of the Worke." By virtue of this Act a workhouse was built in Bishopsgate Street. At a meeting of the Common Council on April 4th, 1698, it was decided to educate five classes of poor children, who "being taken into the said Workhouse are there taught to Read and Write, and kept to Work until they are qualified to be put out to be Apprentices, and for the Sea Services, or otherwise disposed²." In 1704 there were "seldom less than 400 Children at Work." "The Habit of the Children," we are told, "is all the same, being made of Russit Cloth, and a round Badge worn upon their Breast, representing a poor Boy, and a Sheep; the Motto, *Gods Providence is our Inheritance*." One of the children, aged eleven, John Trusty by name, made a speech to Queen Anne upon her coming to the City to dine at the Guildhall on Thursday, October 29th, 1702 (O.S.), being the Lord Mayor's Day. "All the Support we have," said he, "is from the unexhausted Charities of your Loyal Citizens of London, and other your good Subjects, and the pious Care of our Governors, who are now teaching our little Hands to Work, and our Fingers to Spin. . . . One gracious Smile from

Education by statute in the seventeenth century.

¹ 14 Car. II. c. 12. Workhouses have an earlier origin than this Act. By an Act of 1597 (39 Eliz. c. 5) provision was made to enable "Hospitalls or abiding and working Howses for the Poore" to be erected by the charitable. By virtue of this Act the Plymouth Orphan's Aid Hospital for the maintenance and education of boys was founded in 1617. The Act was only to continue for twenty years but it was made perpetual by an Act of 1623 (21 Jac. I. c. 1) and is still in force.

² Strype's *Stow*, Bk. 1. pp. 199, 201-202.

your Majesty on this new Foundation will make us live . . . And live to call you Blessed." Fortunately Queen Anne smiled very graciously on education and on all good works, and helped this beginning of education for the poor greatly in the opening days of the eighteenth century. In 1704 there were 368 children in the workhouse, and 161 had been apprenticed to service, and 6 had died. In 1720 there had been educated and placed forth, since 1701, 1420 children, and in addition 123 had died. (In this workhouse, according to Strype, the children were "taught to spin Wool and Flax, to Sow and Knit, to make their own Cloaths, Shoes, and Stockings, and the like Employments; to inure them betimes to labour. They are also taught to read, and such as are capable, to write and cast Accounts; and also the Catechism, to ground them in Principles of Religion and Honesty."

It was presumably also under the Act of 1662 that the Woolwich Vestry set up a workhouse school¹. On July 11th, 1732, this Vestry ratified rules which provided that each child in the workhouse "was to have two hours every day in which to learn to read." Doubtless many other early examples of rate-aided education could be gleaned from local records, but these instances suffice to show that the rates were somewhat readily called upon for purposes of education by local authorities, and that the money was not only given to mitigate absolute ignorance, but was actually devoted to higher education. Indeed, in the eighteenth century the Legislature itself was not indisposed to help the cause of education. We have seen one instance in the case of the London workhouses, though it may be doubted if the Act of 1662 was really intended to facilitate the supply of education for the poor.

A second instance is Greenwich Hospital School. This famous school was founded in pursuance of letters patent dated

¹ But compare the Hackney Vestry School founded 1613, see p. 192.

March 12th, 1694-5, whereby King William III appointed Commissioners for the purpose of founding at Greenwich a hospital for seamen, their widows and children. According to the Commission, one object of the foundation was "that the Children of such Disabled Seamen And also the Widowes and Children of such seamen as shall happen to be Slain in Sea Service may in some reasonable manner be provided for and Educated." The King granted £2000 per annum towards the carrying on of the Hospital, and a meeting was held at the Guildhall on May 31st, 1695, for the purpose of obtaining further subscriptions. The King referred indirectly to the question of endowing the Hospital in his speeches to Parliament in November, 1694, and November, 1695¹; and in 1696 the Register Act², by which sixpence per man per month was to be paid out of the wages of all mariners to the Hospital, became law.

Greenwich
Hospital
School.

It was not, however, until 1715 that, in pursuance of provisions contained in the Commission and the Register Act, the school was started. In that year the Governor and Council of the Hospital ordered that "10 Boys should be instructed in Reading, Writing, and Navigation, by Mr Weston, Mathematical Master in the Town of Greenwich; and put out Apprentices to Masters of ships or others." In 1719 rules were settled by the Directors, and confirmed by a General Court, for the admission, maintenance, and education of the sons of seamen. The school was at first in the Hospital, and in 1731 it contained 60 boys. In 1789 the number had increased to 150 between the ages of eleven and thirteen years. In accordance with a decision of the General Court, in 1783 the school was removed to the existing building, without the walls of the Hospital³.

A further instance is the Foundling Hospital. This

¹ *Journal of the House of Commons*, vol. xi. pp. 171, 339.

² 7 & 8 Will. III. c. 21.

³ See *An Historical Account of the Royal Hospital at Greenwich* by John Cooke and John Maule, Chaplains, pp. 14, 43, 48, 125-8.

institution was founded by Royal Charter in 1739 as a Corporation by the name of "The Governors and Guardians of the Hospital for the maintenance and education of exposed and deserted young children." An Act of 1740¹ confirmed and enlarged the powers of this Corporation. Section 5 enacted "That it shall and may be lawful to and for the said Corporation, or any Person or Persons authorised by them. to receive, maintain and educate all or as many Children as they shall think fit, into or in any Hospital or Hospitals, House or Houses, which shall by the said Corporation be erected, purchased or hired for such Purposes. . . ." The children could be detained in industry till the age of twenty-four years if males, and if females until marriage or the age of twenty-one years.

A fourth instance is an Act of 1767 for the better regulation of the parish poor children², which enabled the poor parish children of London to be maintained and educated at the expense of the rates.

49. We have now seen in some slight detail two of the sources from which modern elementary education in England sprang—namely, endowments, ancient and modern, rate-aid and statute-aid—and we have noticed that during the last quarter of the seventeenth century and the first quarter of the eighteenth century there was exhibited an activity in relation to the education of the poor which, when the character of the period and the policy of the age are considered, may be regarded as little else than extraordinary, but which was probably a reaction from both. We must now turn to the third and perhaps most important source

The dawn
of voluntary
effort in
national
education.

¹ 13 Geo. II. c. 29; see also 7 Geo. III. c. 39.

² 7 Geo. III. c. 39, ss. 10, 11 and 22. This most important Act (repealed 7 & 8 Viet. c. 101, s. 52) established the principle of "Boarding-out" for children received into the workhouse, and created a body called "The Guardians of the Parish Poor Children" for the effective inspection of children so boarded out.

of modern elementary State education—namely, voluntary effort in the creation of schools which, being unendowed, were exempt from the jurisdiction of the Church, and, being necessary to society, were disregarded by that stern law the letter of which they so frequently infringed. The Act of Uniformity of 1662 pressed with great severity on the dissenting schoolmaster, while the action of the Church in supplementing the law by oppressive diocesan inspection did all that was possible to extinguish voluntary effort. Yet there were not wanting in the Established Church distinguished divines who sympathised greatly with men of the type of Richard Baxter. In 1674 Baxter and Dean Tillotson, afterwards Archbishop of Canterbury, drew up a "Healing Act" for a union between Conformists and Non-Conformists, and these proposals included freedom for Dissenters under certain circumstances to be schoolmasters. The agreement was approved by the leading Non-Conformists but the Bishops refused to confirm the treaty¹. This agreement appears to be of importance in the history of English education, as it to some extent accounts for the development of schools for the poor that could not have existed had the Church insisted on its legal rights². Indeed, it seems more than likely that the earliest English voluntary schools owed their existence to this or some similar agreement.

These earliest schools were due to the efforts of Thomas Gouge (1609—1681). He had held the living of St Sepulchre's Church, London, but was ejected on Bartholomew's Day under the cruel Act of 1662. In 1672 he determined to attempt the evangelisation of Wales³, and he received the permission

¹ See Birch's *Life of Tillotson*, p. xxix., and *Reliquiæ Baxterianæ*, Part III. pp. 109–140, 156–160.

² The obscurely reported case of *The Rector and Parishioners of St George's, Hanover Square, v. Stuart* (1740, *Strange's Reports*, p. 1126), was at one time considered to have decided that "a charity school is not within ecclesiastical cognizance"; see Burns's *Ecclesiastical Law*, vol. III. pp. 558 (footnote), 573. But in Phillimore's *Ecclesiastical Law*, vol. II. p. 1409, the case is quite differently interpreted.

³ Was this undertaken in ignorance of the evangelising efforts made

of the Bishops to undertake this work. He preached, catechised, and largely distributed the Bible, the Liturgy, *The Whole Duty of Man*, and other books printed in Welsh.

Establish-
ment of
schools in
Wales.

When he first visited South Wales "he inquired in each town how many were willing that their children should learn to read and write English, and to repeat the catechism. He engaged teachers for both sexes, paying them at the rate of 1*d.* or 2*d.* a week per scholar¹."

At midsummer, 1674, a Trust was formed to found schools and distribute religious literature in Wales. The printed Report of the Trust, dated Lady Day, 1675, was signed by Tillotson, Whichcot, Ford, Durham, Stillingfleet, Meriton, Gouge, Pool, and Firmin. Bates, Owtram, Patrick, Burton, Baxter, Fowler, Griffith and others also aided the Trust. This Report was issued in the same year as the agreement was arrived at between Baxter and Tillotson; and in view of this fact, and of the further fact that many of the signatories to the Trust were distinguished Dissenters, it seems difficult to resist the inference that a connexion existed between the Gouge schools and that agreement. Tillotson contributed £50 towards the printing of the Welsh Bible, which appeared in 1677. It was an octavo edition of 8000 copies, of which 1000 were given to the poor and the rest sold at 4*s.* apiece. By 1674, Gouge, as the result of two years' work, had brought 500 Welsh children to school; and at the date of the Report in 1675 there were 1,850 children at school, of whom 538 were educated by voluntary Welsh subscriptions². We are

by the Commission appointed by the Republican Parliament in 1649 and which was at work as late as 1653, less than twenty years before Gouge started his schools? As has been seen the work of the Republican Commission survives in the form of the Cardigan Free Grammar School. It would seem that Gouge in Wales must have met with some traces of the Republican educational movement and of the work of Vavasor Powell (1617-1670). If this is so it brings our modern State-aided system into touch with the system of State-aid for education introduced by Cromwell.

¹ *Dictionary of National Biography*, tit. *Gouge*.

² *Ibid.*

told by the writer in the *Dictionary of National Biography* that Gouge's schools appear to have ceased at his death, though the distribution of religious books in Welsh continued. It seems, however, highly improbable that Gouge's schools actually disappeared, though it is true that they did not exist after his death under his name, and apparently never increased in number. But the fact that they did not exist under his name meant little or nothing, for there is no evidence to show that these first voluntary schools were ever called by his name. Gouge died on October 29th, 1681, and there are certainly somewhat strong arguments in favour of the view that his schools long survived him. We know that the Trust continued after his death, for the distribution of Bibles continued; and we also know that between the date of his death and the year 1730¹ schools for the poor were springing up all over the country; while it is from first reasoning unlikely that, with a popular movement in progress, and with the Trust that supplied the money still in existence, the Welsh schools should have entirely faded away. If, therefore, we can assume that these Welsh schools existed up to the date of the formation of the Society for Promoting Christian Knowledge, we may say with some certainty that the voluntary system dates from 1672, and may suspect an even earlier origin. There is very material evidence in favour of this view. John Strype, writing before 1720², assumes a general connexion between the Welsh schools and the movement begun by the Society for Promoting Christian Knowledge. He says: "There is yet another sort of Charity in this City (maintained by the *Society* before mentioned, *viz. for promoting Christian Knowledge*) very singular and

¹ Some few elementary schools were endowed in this period. We may note Ruabon Free School (1706); Gresford Free School (1715), Llangunnag Charity School (1721). The Digest of 1842 states that the dates of foundation of these schools are unknown. Could they have been Gouge's Schools?

² Strype's *Stow*, Bk. v. p. 43.

extraordinary ; the like whereof is hardly practised in any City of *Christendom* besides, and for which the Citizens concerned therein deserve to stand upon lasting Record : And that is, the erecting of Schools in many Parishes of *London* and *Westminster* (especially the great Parishes in the Suburbs) called *Charity Schools*, for the free Education of poor Boys and Girls, and also for their Maintenance in Apparel ; and afterwards disposing of them abroad in honest Callings.

“This Favour of the *Londoners* toward poor Children began divers Years ago in *North* and *South Wales*. When about the year 1670 the Poverty and Ignorance of those Parts raised a Compassion in the Hearts of many good Citizens (which must be recorded to their Honour :) So that they and

London's
Welsh
Educational
Mission.

their Interest contributed such Sums of Money, as maintained a great number of poor *Welch* children at School, to read *English*, Write, and cast Accompts And Schools for that purpose were erected and settled in many Places in those Countries. And this pious Practice so flourished, that in Year 1674, or 1675, Certificate was made, that in 86 of the Chief Towns and Parishes in *Wales*, 1162 poor Children were put to School, over and above 200 put to School the last Year by the Charity of others. And this Charity had already provoked divers Landlords, and Inhabitants of several Towns and Parishes in *Wales*, to put 863 of the poorest *Welch* Children to School upon their own Accounts. So that 2225 in all were already put to School to learn, as before.”

Strype then goes on to describe the evangelising work in Wales, the formation of the Trust, and the work of Thomas Gouge. He clearly connected in his mind Gouge's work with the work that was done later by the Society for Promoting Christian Knowledge, and it is no great assumption to suppose that some of Gouge's schools were in existence when the Society began work. If this is so, the first society for promoting education among the poor would be an English

Society, and not, as was asserted by Mr Brougham in his speech in the House of Commons on June 28th, 1820, when he introduced his Education Bill, a French Society. He then stated that the Order of Les Frères des Ignorants, a society of monks in France founded by Père de la Salle for the education of poor children soon after the Revocation of the Edict of Nantes in 1680, was the earliest voluntary education society in Europe¹.

It is, however, difficult, perhaps impossible, to establish an official connexion between Gouge's Trust and the Society for Promoting Christian Knowledge. Dr Bray, in his original "plan for the constitution of a protestant congregation for propagating Christian knowledge," proposed in 1698 that the members should "proceed to set up catechetical schools for the education of poor children in reading, writing and more especially in the principles of the Christian religion." This question of education was the subject of the second resolution at the first meeting of the Society in March, 1699; and in the first circular letter, issued at the end of 1699 to the Society's clergy correspondents in the several centres of England and Wales, it was stated that the Society had "agreed to use their best endeavours to incline the hearts of generous and well disposed persons to contribute towards

Foundation
of the Society
for Promoting
Christian
Knowledge.

¹ It may be noted that this Society received the approbation of Pope Benedict XIII. in 1724 and was regarded by the Roman Catholic world as a most beneficial agency. Reference should be made to the Bull of 1724 advocating the establishment of places of education. Benedict's views on the subject of ignorance may be quoted with advantage: "*ex ignorantia omnium origine malorum, praesertim in illis qui egestate oppressi sunt, et qui elementa Christianae religionis persaepe ignorant.*" It may be noted here that France in comparatively early times was anxious to secure universal education. A petition appears to have been made in 1582 by the French States-General and Noblesse to the Crown praying that pains and penalties might be imposed upon those who would not send their children to school. (See Mr Brougham's Speech, Appendix III. p. 255.) The Society founded by César de Bus in 1592 near Avignon and known as "*La Congrégation de la Doctrine Chrétienne*" seems to have paved the way for later education societies.

the erecting of Schools in these cities and the parts adjacent¹, for the instruction of such poor children in reading, writing, and in the catechism, whose parents or relations are not able to afford them the ordinary means of education." The schools of the Society were founded not only in London and Westminster, but in all parts of the kingdom. In 1704 there were about 2000 children at school². By 1715 there were 120 schools, containing 4906 children, in London and Westminster alone. In 1729 there were in all 1,658 schools, containing 34,000 children³. Joseph Addison, writing of these schools in 1713, says: "I have always looked upon the institution of Charity Schools, which of late years has so universally prevailed

¹ London, Westminster, and the suburbs.

² Strype's *Stow*, Bk. v. pp. 43-8. On June 6th, they attended at St Andrew's Church, Holborn, where Dr Richard Willis preached a seasonable sermon from the text, *Gen.* xviii. v. 19.

³ See speech of Mr W. P. Wood (afterwards Lord Chancellor and Baron Hatherley) on Education Bill (June 5, 1850), *Hansard*, vol. cxi. col. 766. It would be an interesting investigation to endeavour to ascertain what number of these 1,658 formed part of the 905 endowed elementary schools that were founded between 1660 and 1730. There must have been a considerable amount of overlapping but the figures point to a movement of very great magnitude—a movement that alone rendered possible the extraordinarily rapid educational advance that took place between 1807 and 1833 when Lord Brougham abandoned the idea of compulsory rate-aid as no longer necessary. We may note here that the Charity School system was severely attacked by Mandeville in his *Fable of the Bees*. Mr Brougham in his Speech on the Education of the Poor Bill on June 28, 1820 (*Appendix* iii. p. 256, *infra*), said: "In 1714 Mandeville published his 'Fable of the Bees' condemning the charity schools of that day, because he said the children learned nothing there but to lisp 'High Church and Ormond'; and in nine years afterwards the grand jury of the county of Middlesex thought fit to present him as a fit object for prosecution, and he was accordingly prosecuted for endeavouring to prevent the advancement of education and religious instruction, for irreligion, for decrying the universities, and for reproaching the instruction of youth. Thus, strange as it may seem, an impious man and an atheist at that time was occupying the ground since mistakenly filled (though only for a moment) by the pious and religious, who in our own day, worked upon by the false philosophy and evil consequences of the French revolution, had endeavoured to discourage the progress of knowledge." This passage is somewhat misleading. *The Fable of the Bees* was originally published in 1703, republished in 1714, and to the second edition in 1723 was added the essay on Charity and Charity Schools. Mr Brougham apparently forgot the French Education Decree of 1793.

throughout the whole Nation, as the glory of the age we live in¹." A later observer, however, dealing with the year 1785 said of these schools that they "taught poor children next to nothing, and nothing likely to be useful to them²."

Now, as we know that the Society had its correspondents in Wales, it seems by no means improbable that Gouge's schools were continued as schools under the auspices of the Society, since the Society certainly had in its mind the necessity of work in Wales; indeed, so much was said in its first circular. It would be interesting if the connexion referred to between the members of Gouge's Trust in 1675 and the founders of the Society for Promoting Christian Knowledge could be actually established by documentary evidence, as this would place the origin of a central English educational society earlier than the end of the third quarter of the seventeenth century. In 1730 the work in Wales was once more taken up in earnest. Griffith Jones (1683—1761), a clergyman of the Established Church, set before himself the task of dealing with the religious difficulty in the Principality. He found the way blocked by the illiteracy of the people—a proof at any rate that Gouge's schools had not increased—and in 1730 he started his schools, the only available funds being small Church offertories. The work prospered, and schools speedily increased in number. Men of ability only were chosen as schoolmasters, and no denominational test was required from them. Richard Baxter's agreement with Tillotson was possibly of use here. Both day and night schools were started, and adults as well as children were taught to read the Bible in Welsh. The schools are known to history as "circulating schools³," because the teachers stopped in each town and village for a few months only at

Circulating
schools in
Wales.

¹ See p. 141, *supra*.

² Evidence of Mr Francis Place before the Select Committee on Education of 1835.

³ Circulating schools were certainly in the mind of Parliament when the Act of 1649 was passed.

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¹ London, Westminster, and the suburbs.

² Strype's *Stow*, Bk. v. pp. 43-8. On June 6th, they attended at St Andrew's Church, Holborn, where Dr Richard Willis preached a seasonable sermon from the text, *Gen.* xviii. v. 19.

³ See speech of Mr W. P. Wood (afterwards Lord Chancellor and Baron Hatherley) on Education Bill (June 5, 1850), Hansard, vol. cxi. col. 766. It would be an interesting investigation to endeavour to ascertain what number of these 1,658 formed part of the 905 endowed elementary schools that were founded between 1660 and 1730. There must have been a considerable amount of overlapping but the figures point to a movement of very great magnitude—a movement that alone rendered possible the extraordinarily rapid educational advance that took place between 1807 and 1833 when Lord Brougham abandoned the idea of compulsory rate-aid as no longer necessary. We may note here that the Charity School system was severely attacked by Mandeville in his *Fable of the Bees*. Mr Brougham in his Speech on the Education of the Poor Bill on June 28, 1820 (Appendix III. p. 256, *infra*), said: "In 1714 Mandeville published his 'Fable of the Bees' condemning the charity schools of that day, because he said the children learned nothing there but to lisp 'High Church and Ormond'; and in nine years afterwards the grand jury of the county of Middlesex thought fit to present him as a fit object for prosecution, and he was accordingly prosecuted for endeavouring to prevent the advancement of education and religious instruction, for irreligion, for decrying the universities, and for rebuking the instruction of youth. Thus, strange as it may seem, an impious man and an atheist at that time was occupying the ground since mistakenly filled (though only for a moment) by the pious and religious, who in our own day, worked upon by the false philosophy and evil consequences of the French revolution, had endeavoured to discourage the progress of knowledge." This passage is somewhat misleading. *The Fable of the Bees* was originally published in 1703, republished in 1714, and to the second edition in 1723 was added the essay on Charity and Charity Schools. Mr Brougham apparently forgot the French Education Decree of 1793.

throughout the whole Nation, as the glory of the age we live in¹." A later observer, however, dealing with the year 1785 said of these schools that they "taught poor children next to nothing, and nothing likely to be useful to them²."

Now, as we know that the Society had its correspondents in Wales, it seems by no means improbable that Gouge's schools were continued as schools under the auspices of the Society, since the Society certainly had in its mind the necessity of work in Wales; indeed, so much was said in its first circular. It would be interesting if the connexion referred to between the members of Gouge's Trust in 1675 and the founders of the Society for Promoting Christian Knowledge could be actually established by documentary evidence, as this would place the origin of a central English educational society earlier than the end of the third quarter of the seventeenth century. In 1730 the work in Wales was once more taken up in earnest. Griffith Jones (1683—1761), a clergyman of the Established Church, set before himself the task of dealing with the religious difficulty in the Principality. He found the way blocked by the illiteracy of the people—a proof at any rate that Gouge's schools had not increased—and in 1730 he started his schools, the only available funds being small Church offertories. The work prospered, and schools speedily increased in number. Men of ability only were chosen as schoolmasters, and no denominational test was required from them. Richard Baxter's agreement with Tillotson was possibly of use here. Both day and night schools were started, and adults as well as children were taught to read the Bible in Welsh. The schools are known to history as "circulating schools³," because the teachers stopped in each town and village for a few months only at

Circulating
schools in
Wales.

¹ See p. 141, *supra*.

² Evidence of Mr Francis Place before the Select Committee on Education of 1835.

³ Circulating schools were certainly in the mind of Parliament when the Act of 1649 was passed.

a time, and then passed on to another centre, "thus making a continuous circuit of the whole Country." The funds for the support of the schools were at first chiefly drawn from England, while the Society for Promoting Christian Knowledge gave the movement a general support and supplied the schools with books. By 1737, 37 schools with 2400 scholars had been opened. By 1740 there were more than 100 schools at work. Before Griffith Jones's death over 3000 schools had been opened, and 150,000 scholars had been taught in the day schools alone. In the year 1760 10,000 children were in these schools. Mrs Bevan, a Welsh lady, was a warm supporter of the undertaking, and on the death of Jones in 1761 the schools were carried on by her. The popularity of the movement and the public desire for education may be gauged by the manner in which additional schools were set up. The minister and parishioners of a parish would petition the manager of the movement for a school, upon which a Welsh master would be appointed and sent to take up the work. An inspector was subsequently sent to examine the scholars as to their proficiency, and to see that the master attended to his duty. Mrs Bevan died in 1779, and bequeathed her large property for the carrying on of the work. Her relations disputed the will, and in consequence her estate was thrown into Chancery, and the schools ceased to exist for lack of funds. Here we have another instance where the administration of the law blocked the way of education. It was not until July 9th, 1804, that the will was upheld by the Court of Chancery, after it had been under consideration for a quarter of a century, and a scheme for the administration of the charity was drawn up in July, 1807, in accordance with which schoolmasters were appointed. The scheme of the Court of Chancery came into operation in 1809, and was administered with useful results¹. This instance shows how practically impossible it was

¹ See vol. xxxii. Part III. of *Report of the Charity Commissioners*, 1838. There were 34 schools in 1836.

to endeavour to reform abuses in educational charities. The Court of Chancery suspended indefinitely even such little education as there was to be had as soon as the foundation was before the Court. In the case of the Bevan Trust incalculable harm was done. In 1779 education was in full swing in Wales; but when the Bevan schools resumed their work, the people of the Principality had forgotten once more the meaning of popular education, and so we find that in 1820 popular education in Wales was less effective than in any part of England.

During the thirty years' suspension of the Welsh Piety Schools, as they were called, four other influences had arisen to develop a national system of elementary education. As these influences are within the immediate knowledge of all persons interested in the general history of education in England, it will suffice to merely indicate three of them, and refer them to their proper place among the beginnings of a national system. The first was the system of Sunday schools, which has played such an important part in the organisation of the education of the masses. As early as 1737, John Wesley, during his sojourn in Savannah, had started Sunday classes, and it is interesting to note that these schools should have had their origin in a period when the movement for the education of the people had, for the first time since the Reformation, attained national proportions. Sunday schools were not, however, started in England until 1763, and it was not until 1780 that Robert Raikes, of Gloucester, consolidated the Sunday school system¹. It is perhaps a matter of comment

¹ Sunday schools did not reach London for some time after 1780 (see evidence of Mr Francis Place before the Select Committee on Education of 1835). The Sunday School Society was founded in London in 1785. Mr W. F. Lloyd in his evidence before the Select Committee on Education of 1834 estimated that the total number of Sunday scholars in England and Wales was 1,500,000 with 160,000 teachers. No payment was made by the parents and the expenses were met by private subscriptions or congregational collections (Q. 1311-12). *The Sunday School Teacher's Magazine and Journal of Education* was started in 1813.

for the curious to notice that Sunday schools should have had their origin in a town, the grammar school of which supplied the law case which laid down the principles of freedom of teaching in the early fifteenth century. One valuable aspect of the Sunday school must not be forgotten. The secular instruction given in these schools was, especially in the manufacturing districts, of the highest social importance. In Manchester we find, according to evidence given before Parliament in 1834, that Sunday schools were open for secular instruction for five and a half hours on Sunday and for two evenings in the week and that the ages of the scholars varied from five to twenty-five years¹.

The second influence was the movement started by Andrew Bell (1753—1832). Bell, a clergyman of the Established Church, became Superintendent of the Madras Male Orphan Asylum in 1789, and in that school he started what was known as the Madras method of the mutual instruction of children. On his return to England he introduced his method in 1798 into the Protestant charity school of St Botolph's, Aldgate, and in 1799 into certain industrial schools at Kendal. The Established Church, disliking the methods of Lancaster, supported Bell, who claimed to have introduced a new principle into education. The Church party formed in 1811 the "National Society for Promoting the Education of the Poor in the Principles of the Established Church throughout England and Wales"—an offshoot, we are told, of the Society for Promoting Christian Knowledge². This Society was incorporated by Royal Charter in 1817. Its schools during Bell's lifetime increased in number to about 12,000; but a subsequent inspection showed that in every part of England they were

¹ See the evidence of Mr Benjamin Braidley before the Select Committee of 1834 (pp. 174—187). Mr Braidley's school had 2,700 scholars who were taught by 120 unsalaried teachers, all, save two or three, former scholars.

² See the Speech of Mr W. P. Wood referred to on p. 202, *supra*.

in a deplorable state, with ignorant teachers and with monitors who merely taught by rote. The merit of Bell's system was that it made education of a kind cheap, and created a demand for elementary education throughout the country. It is also claimed as a merit of the method that it led up to the system of pupil teachers. Modern educationalists, however, differ on this point. Bell's claim to be the founder of the modern elementary education system is untenable; he was preceded by the Chevalier Paulet in Paris in 1790, and by others.

Joseph Lancaster (1778—1838) has perhaps as much claim to the gratitude of posterity as Andrew Bell, since that gratitude depends on their joint work as the popularisers of a new form of elementary education. In 1801 Lancaster took a room in the Borough Road, and placed above the entrance the legend "All who will may send their children and have them educated freely, and those who do not wish to have education for nothing may pay for it if they please." The want of funds to pay for masters compelled him to employ the elder scholars to teach the younger, and from this almost accident, combined with some knowledge of Bell's method, he evolved his monitorial system, which he described in his pamphlet on *Improvements in Education*, published in 1803. In 1805 King George III. gave his patronage to Lancaster, and expressed the wish "that every poor child in my dominions should be taught to read the Bible." From this beginning an important movement arose, and in 1808 the Royal Lancasterian Institution¹ was founded, and this induced the Church party to show increased hostility to Lancaster's undenominational methods. He desired all children to have Christian but not denominational teaching, while Bell wished all poor schools to be under the direct control of the Estab-

¹ On May 21st, 1814, the executive committee adopted the title "The British and Foreign School Society," but the Society had "existed in one state or another since 1808." See Lord Brougham's evidence before the Select Committee on Education of 1834; and *The Report of the British and Foreign School Society*: 1814.

lished Church. Brougham and the Whigs, with the aid of the *Edinburgh Review*, supported Lancaster, while the clergy invoked the help of the Tories and the *Quarterly Review*. The dispute between the National Society and the British and Foreign School Society—formerly the Lancasterian Society—awakened general interest among thinking men and women, and created a volume of conflicting popular opinion on the subject of national education. Therein lies probably the real good that Bell and Lancaster did for England, though it is impossible not to regret that they and their societies should have begun that bitter dispute between denominational and undenominational teaching which is still vigorous. Their schools were of temporary service to the country; but their disputes, by creating popular interest, were of lasting service to the cause of education. The noise of their quarrel for a precedence that neither could claim penetrated to the Houses of Parliament, and awakened the Legislature to the necessity of action.

The entrance of the question of elementary education into Parliament is the fourth influence referred to above. It will be dealt with in the succeeding chapter. From the date of Mr Whitbread's Parochial School Bill of 1807 the question has gone steadily forward, and to-day we can look back with gratitude to that long period of slow development which at last brought elementary education before the Legislature. It has been necessary here, in order to understand subsequent history, to draw attention to the obscure causes and events that lie behind modern elementary education in England, and to indicate in outline some of the earlier and less familiar aspects of a national movement that became perhaps the most important product of the nineteenth century.

CHAPTER VII.

PARLIAMENT AND ELEMENTARY EDUCATION.

50. THE intervention of the State on behalf of the education of children whose parents are capable of maintaining them was, in the first instance of Parliamentary interference, an intervention due to special circumstances, and was quite consistent with the general position of State policy that intervention between parent and child is, under normal circumstances, undesirable. It would not be impossible to maintain that all State intervention in the matter of elementary education during the nineteenth century was due to such special circumstances ; for, assuming that education is a necessity of life, it is clear that the conditions of society among the poorer orders of England prevented, and in many cases still prevent, parents from giving education of an effective character to their children.

State intervention on behalf of elementary education.—
The Act of 1802.

Compulsory education began with a special class of children. The sudden increase of population that accompanied the aggregation of individuals in particular districts—a result of the invention of machinery adapted to localised trades and manufactures—involved, almost inevitably, the sudden rise of child labour in a sense quite unknown to, and quite unprovided for by, the old Statutes of Apprentices. Terrible abuses, terrible moral evils in child life, fearful absence of knowledge

of good and evil, arose, and a generation that had no information on any subject whatever, save the automatic skill necessary within the narrow limits of daily factory work, sprang up, and became not only a disgrace to their country, not only a generation that had no knowledge of religion or even of elementary morality, but a generation that was a positive danger to existing society and a disruptive force that threatened to hinder all civilised development. In the great manufacturing towns of the north the capacity of a devoted and laborious band of clergy and lay-workers was strained to its uttermost, and could do little to meet the new difficulties of the age. The terrible part of the position was that the very section of society upon which the future of England depended was sapped of all good and all useful qualities. Children under the new economic conditions rapidly became, at best, mere cogs in an elaborate machine, with neither time nor power to realize their lives.

At an early date it was felt by the Legislature that the danger with which society was threatened must be met, though little interest was evinced generally in the subject while the Napoleonic menace overhung the country. As early as 1802 the first Compulsory Education Act was passed, and it became law without creating any public interest or any discussion. Yet the Act was passed, and it is interesting to note that the problem, which was so soon to become vital, had even then presented itself to the minds of thoughtful legislators. The Act itself was a curious compromise between the old Statute of Apprentices and the modern Education Act. The statute¹ was entitled "An Act for the Preservation of the Health and Morals of Apprentices and others, employed in Cotton and other Mills, and Cotton and other Factories."

On April 6th, 1802, motion for leave to introduce the Bill into the House of Commons was made. On this motion

¹ 42 Geo. III. c. 73.

the original title was altered, and the Bill was extended to apprentices "and others," employed in mills and factories "other" than cotton mills and factories. Sir Robert Peel, Viscount Belgrave, and Mr Stanley were ordered to bring in the Bill. On April 13th it was introduced and read the first time. The next day it was read a second time and committed. Some amendments were made in the Bill, and it was reported on April 15th. The Report was considered on May 3rd and 4th, and the Bill was re-committed for further amendment. On May 18th it was again reported as further amended. On consideration of this Report on May 25th, a clause was added directing the visitors to be appointed under the Act to call in a physician in case of infectious disorder¹. The third reading was taken on June 2nd, 1802, when an "ingrossed clause" was added to compel masters to cause an entry to be made of their mills and factories in a book to be kept by the clerk of the peace². Various other amendments, chiefly relating to the religious education of children in Scotland, were added at this stage. After the third reading, which was carried without a division, it was ordered that "Sir Robert Peele do carry the Bill to the Lords and desire their Concurrence³."

On June 12th a message was brought from the Lords, by Mr Leeds and Sir William Weller Pepys, that "the Lords have agreed to the Bill.....without any amendment." It received the Royal Assent on June 22nd, 1802⁴. The Act was directed to come into operation in Great Britain and Ireland on December 2nd, 1802. The debate is not reported in Hansard or in the *Annual Register*. It created some considerable amount of discontent in the manufacturing districts, and we may assume from this that at first some real effort was made to enforce the Act.

¹ s. 10. *Commons Journal*, vol. LVII. p. 503. The progress of the Bill is extracted from this volume.

² s. 14.

³ *Ibid.* p. 534.

⁴ *Ibid.* p. 642.

Section 6 of the Act of 1802 ran as follows : "Every such Apprentice shall be instructed, in some Part of every working Day, for the first four Years at least of his or her Apprenticeship.....in the usual Hours of Work, in Reading, Writing, and Arithmetick, or either of them, according to the Age and Abilities of such Apprentice, by some discreet and proper Person, to be provided and paid by the Master or Mistress of such Apprentice, in some Room or Place in such Mill or Factory to be set apart for that Purpose ; and that the Time hereby directed to be allotted for such Instruction as aforesaid, shall be deemed and taken on all Occasions as Part of the respective Periods limited by this Act during which any such Apprentice shall be employed or compelled to work." Section 8 provided "That every Apprentice, or (in case the Apprentices shall attend in Classes), every such Class shall, for the Space of one Hour at least every *Sunday*, be instructed and examined in the Principles of the Christian Religion, by some proper Person to be provided and paid by the Master or Mistress of such Apprentice." It was further provided that in cases where the apprentice's parents were members of the Church of England he was to be taken at least once a year to be examined by the "Rector, Vicar or Curate of the Parish in which such Mill or Factory shall be situate." After the age of fourteen years and before the age of eighteen the apprentice was to be prepared for Confirmation and sent to the Bishop to be confirmed "in case any Confirmation shall, during such Period, take Place in or for the said Parish." Further provisions followed to meet the case of apprentices in Scotland belonging to the Church established in that country. Provision was also made to ensure the attendance of the apprentices at an established church or at a licensed chapel at least once a month, and they were ordered to attend Divine Service, either at a church or in a convenient room in or adjoining the mill or factory every *Sunday*.

The endeavour to reconcile the old and the new in this

remarkable Act is almost pathetic. New wine into old bottles is the only possible analogy. The patriarchal system of apprenticeship, where the apprentice was part of the *familia*, could by no possibility be adapted to the new conditions of labour. In the old days the apprentice was in a very real sense, as a rule, a part of the family, and was regarded by his master or mistress and their family as a person entitled to enjoy the normal conditions of home life. In a factory such a relationship was practically impossible. A great gulf was fixed between the master and the apprentice. The very number of the apprentices, the mechanical nature of their work, their want of education, their want of those ideas and desires that go to make life decent and comfortable, necessarily separated them from their masters. The Act failed because it was not possible for legislators, for the most part quite unacquainted with the facts of the problem, to recognise the change that had come over the land.

*Maxima
capitis
deminutio*
undergone by
the apprentice.

To Parliament it was an essential part of an Act dealing with apprentices to introduce clauses safeguarding the religious education of the child. The careful provision for the religious teaching in this Act of 1802 for all denominations is noteworthy, and foreshadowed the long struggle on the religious question that was to follow. The important part played by provisions for the religious instruction in this Act must be particularly noted, since the modern system of State-aided education, of which this was the first legislative recognition, was due in a great measure to religious agencies, and in this matter, if in none other, the old and the new ideas on education were at one and are still at one.

51. Abortive as was this Act of 1802, it was one of many signs that the national conscience was slowly stirring. We have seen how in the eighteenth century the problem of educating the poor had been wrestled with. The theory was in advance

The views
of Blackstone,
Adam Smith,
and Bentham.

of the practice. Great juristic thinkers like Sir William Blackstone in the third quarter of the eighteenth century and Jeremy Bentham in the first quarter of the nineteenth century were registering their protest against the social evil that was involved in the ignorance of the masses. Blackstone in 1765 noticed the question in the following words: "As Puffendorf¹ very well observes, it is not easy to imagine or allow, that a parent has conferred any considerable benefit on his child, by bringing him into the world; if he afterwards entirely neglects his culture and education, and suffers him to grow up like a mere beast, to lead a life useless to others, and shameful to himself. Yet the municipal laws of most countries seem to be defective in this point, by not constraining the parent to bestow a proper education upon his children. Perhaps they thought it punishment enough to leave the parent, who neglects the instruction of his family, to labour under those griefs and inconveniences, which his family, so uninstructed, will be sure to bring upon him²." It is remarkable that, at this early date, compulsory education should have had the voice of a leader of the most conservative of all professions. Within forty years of this utterance the principle of compulsion had been silently placed upon the Statute Book.

Adam Smith, writing before 1776, advocated a system of public instruction³. "For a very small expense the public can facilitate, can encourage, and can even impose upon almost the whole body of the people, the necessity of acquiring those most essential parts of education.

"The public can facilitate this acquisition by establishing in every parish or district a little school, where children may be taught for a reward so moderate, that even a common labourer

¹ See Puffendorf's *Law of Nations* (Basil Kennet's translation, 3rd ed. 1717), Bk. vi. c. 2, § 12 (p. 379).

² *Commentaries*, Bk. i. c. 16.

³ *Wealth of Nations*, Bk. v. c. 1, ed. 1869, vol. II. p. 368.

may afford it; the master being partly, but not wholly paid by the public; because if he was wholly, or even principally paid by it, he would soon learn to neglect his business. In Scotland the establishment of such parish schools has taught almost the whole common people to read, and a very great proportion of them to write and account. In England the establishment of charity schools has had an effect of the same kind, though not so universally, because the establishment is not so universal." In these schools he recommended the use of more instructive books and the substitution of elementary geometry and mechanics for Latin. He certainly over-estimated the value of the charity schools; and his opinion of the adequacy of the Scottish schools was unduly high.

The views of Jeremy Bentham are, however, still more remarkable than those of Blackstone or Adam Smith. In Chapter xx. of Part III. of his *Principles of Penal Law*¹ he deals with education as one of the indirect means of preventing offences. In this chapter he lays down, with that dogmatic precision which with prophetic genius he applied to almost every branch of social thought, the principles of State interference in State education. "Education is only government acting by means of the domestic magistrate." The domestic magistrate can exercise a censorship, can exhibit a continual demonstration of power, can bring to bear a system of adequate punishment and reward, all of which under normal circumstances would be intolerable in the case of the State. "But in regarding education as an indirect mode of preventing offences, it requires an essential reform. The most neglected class must become the principal object of care. The less parents are able to discharge this duty, the more necessary is it for government to fulfil it. It ought not only to watch

¹ Written in 1802. The reference is to *The Works of Jeremy Bentham*, in the edition of 1843, vol. i. pp. 569, 570. (It seems preferable to quote direct from Bentham than from the English re-translation of Dumont's translation into French.)

of the practice. Great juristic thinkers like Sir William Blackstone in the third quarter of the eighteenth century and Jeremy Bentham in the first quarter of the nineteenth century were registering their protest against the social evil that was involved in the ignorance of the masses. Blackstone in 1765 noticed the question in the following words: "As Puffendorf¹ very well observes, it is not easy to imagine or allow, that a parent has conferred any considerable benefit on his child, by bringing him into the world; if he afterwards entirely neglects his culture and education, and suffers him to grow up like a mere beast, to lead a life useless to others, and shameful to himself. Yet the municipal laws of most countries seem to be defective in this point, by not constraining the parent to bestow a proper education upon his children. Perhaps they thought it punishment enough to leave the parent, who neglects the instruction of his family, to labour under those griefs and inconveniences, which his family, so uninstructed, will be sure to bring upon him²." It is remarkable that, at this early date, compulsory education should have had the voice of a leader of the most conservative of all professions. Within forty years of this utterance the principle of compulsion had been silently placed upon the Statute Book.

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³ *Wealth of Nations*, Bk. v. c. 1, ed. 1869, vol. II. p. 368.

52. Mr Whitbread introduced into the House of Commons on February 19th, 1807, a general Poor Law Reform Bill which included a scheme for the education of the children of the poor. In his speech he proposed a general system of national education by the establishment of parochial schools. The time, he said, was favourable to the establishment of a national system, "because within a few years there has been discovered a plan for the instruction of youth, which is now brought to a state of great perfection; happily combining rules, by which the object of learning must be infallibly attained with expedition and cheapness, and holding out the fairest prospect of eminent utility to mankind".¹ Though we may not agree with Mr Whitbread's estimate of the monitorial system, it was of course a tribute to the rapid spread of elementary schools. The Bill, which was presented to the House on February 23rd, 1807, was intitled "A Bill for the promoting and encouragement of industry among the labouring classes of the community, and for the effectual relief and regulation of the criminal and necessitous poor." It was a Bill that offered a series of solutions for the many evils of the age. From Mr Whitbread's speech of February 19th we may note with interest that he rejected an old form of the Doctrine of Three Acres and a Cow², and also the theory of State Insurance, but advocated the creation of a State Savings Bank for the poor, the building of cottages out of the rates, to meet the acute housing problem that existed in agricultural districts, and the restriction of poor law relief, except with regard to the absolute necessities of life, to the aged, to children, and to the sick.

On April 17th, 1807³, Mr Whitbread announced that he

¹ Hansard, vol. viii. col. 884.

² "The Cow System, whereby a labouring man is enabled either to purchase or acquire a certain property in a cow." *Loc. cit.* col. 887.

³ *Ibid.* vol. ix. cols. 490-3.

intended to abandon certain parts of his elaborate Bill and to divide the remaining clauses into four Bills. The first of these related to education; the second dealt with poor law reform and the building of cottages for the poor; the third contained his scheme for a parochial fund of assurance; while the fourth proposed to regulate and equalise the county rates. All four Bills were reported. The Bill for establishing a Plan for the Education of the Poor was brought forward for recommitment on April 24th, 1807¹. It had been previously circulated among the magistrates throughout the kingdom with dispiriting results². "It was not meant," said Mr Whitbread, "to supersede any parish schools for the education of the poor, already established; it was not meant to increase unnecessarily the charges upon any district, where parish schools were already instituted for the education of the poor, by establishing therein additional schools; his object was, that in every parish where there was a number of poor who could not afford to pay for the education of their children, there should be a school established for their instruction."

He regarded the education of the poor as "the incipient principle and grand foundation" of all benefits to be derived from any future reform of the poor laws. The Bill proposed that the poor children of each parish should be entitled to receive two years' education between the ages of seven and fourteen years. The occupiers of lands and houses in the parish were to be rated to provide the education, which was to be superintended by the parson and the parish officers. The Bill empowered³ the "magistrates to purchase or hire any buildings or lands whereupon to erect buildings for the purpose of schools." The appointment of schoolmasters was also to be made by the magistrates. The carrying out of the Act was to be placed in the hands of the magistrates, with power to suspend the law where further or new schools were not necessary.

¹ Hansard, vol. ix. col. 538.

² *Loc. cit.* cols. 799, 805.

³ *Loc. cit.* col. 1051*.

Mr George Rose¹ pointed out that the parents of children would choose the earliest period for sending their children to school, as less likely to interfere with labour, and so make the Act of less value than was expected. He suggested that a system of maritime schools should be started round the coast capable of educating 80,000 boys at one time, and thus creating an inexhaustible supply of men for the British Navy. The Bill was supported by Henry Erskine, who pointed out the advantages that Scotland had derived from education. He hailed the Bill "as a measure auspicious in the highest degree to the industry, the morality, the happiness, and good order of the people of this country." Mr Bragge Bathurst objected to the Bill "because it would do away [with] Sunday schools, to which no person would subscribe, when the parochial schools should be established." Mr William Windham opposed the Bill, and quoted the opinion of his friend Dr Johnson, that "it was not right to teach reading beyond a certain extent in society²." Mr Whitbread in reply pressed the position that crime decreases with education: "In Westmoreland, the best educated county in England, executions were scarcely known. Search the Newgate calendar. The great majority of those executed in London every year were Irish; the next in order were English, and the last Scots.

Debate on
the Bill.

¹ Rose (1744–1818) at this time had just become Treasurer of the Navy. See *Dictionary of National Biography*, tit. "Rose."

² This was not in accord with Johnson's general views. In 1780 he said "I would put a child into a library (where no unfit books are), and let him read at his choice. A child should not be discouraged from reading anything that he takes a liking to, from a notion that it is above his reach. If that be the case, the child will soon find it out and desist; if not, he of course gains the instruction; which is so much the more likely to come, from the inclination with which he takes up the study" (Boswell's *Life of Johnson*, edited by J. W. Croker, 1860, p. 661). On the other hand Johnson disliked an education wanting in thoroughness. He charged Scotland with giving a poor universal education. "Their learning is like bread in a besieged town; every man gets a little, but no man gets a good meal" (*ibid.* p. 452). The charge may have had some truth in it, but it came with poor grace from an English thinker of that date.

This was in exact proportion with their respective systems of education among the lower orders¹. He maintained that the cost of his scheme would not in any case exceed a shilling rate. Mr Whitbread's instance hardly bore out his point, since as a matter of fact Ireland had, in respect to a scheme of education, a much better position than England, and at the very date when Mr Whitbread was speaking great efforts were being made to revive education in Ireland.

The Bill went into committee, and the second reading² was moved on July 13th, when Mr Davies Giddy opposed the

Bill. He considered that "however specious in theory the project might be, of giving education to the labouring classes of the poor, it would, in effect, be found to be prejudicial to their morals and happiness; it would teach them to despise their lot in life, instead of making them good servants in agriculture, and other laborious employments to which their rank in society had destined them; instead of teaching them subordination, it would render them factious and refractory, as was evident in the manufacturing counties"; it would enable them to read seditious pamphlets, vicious books, and publications against Christianity; it would render them insolent to their superiors; and, in a few years, the result would be, that the legislature would find it necessary to direct the strong arm of power towards them, and to furnish the executive magistrate with much more vigorous laws than were now

¹ Hansard, vol. ix. cols. 539-550.

² *Ibid.* cols. 798-806.

³ There is something painful in this callous reference to the manufacturing counties where the bitter cry for education was destined to be practically unheard for another half century. Mr Giddy's views were almost identical with those expressed by Walter Map in the twelfth century (see p. 28, *supra*), but while Map had, in consequence of the system of feudal tenures which provided some sort of a subsistence for every man, a fairly good case to argue, Mr Giddy's views were founded on ignorance or stupidity. The latter charge can hardly be made against a man who became President of the Royal Society in 1827. See *Dictionary of National Biography*, tit. "Gilbert (formerly Giddy), Davies" (1767-1839). Cf. Lord Hardwicke's views in 1751: see p. 169 (footnote), *supra*.

in force." This astonishing speech, which apparently dealt with a class of non-human beings, does not appear to have at all excited an indulgent House of Commons, which was on the whole as friendly to the Bill as it was to the assiduous Parliamentary. It was read a second time without a division, and was committed by a vote of 47 to 13. On the same date six London petitions against the Bill were presented, and subsequently twelve more London petitions and a petition from Liverpool came before the House¹ in opposition to the Bill.

In committee on July 21st, 1807, Mr Sturges Bourne, objecting to the compulsory character of the educational relief offered, proposed as a substituent clause "that it shall be lawful for the Churchwardens and Overseers in any Parish, Township or Place, with the consent of the major part of the Parishioners or Inhabitants in Vestry or other parish or public Meeting for that purpose, after one month's Notice assembled, or of so many of them as shall be so assembled, to establish, if they think fit, within their respective Parishes, a School or Schools for the instruction of the Children of the Poor, and to purchase or hire any Buildings, or to purchase any Land for the erection of any Buildings, and to erect any Buildings which may be found requisite for that purpose, and to employ or contract with any person or persons to be approved by the Minister of such Parish, to instruct the Children of the Poor, under such rules and regulations as they may think it expedient to adopt²." The compulsory clause in the Bill was lost by 23 votes to 12³, but an additional clause enabling parish officers to contribute to the expenses of the school was added. The Bill was ordered to be printed as amended, and the consideration in committee was adjourned till August 4th. On that date Mr Sturges Bourne's voluntary clause was adopted, the power of the parish officers to build schools was attacked but upheld,

The Bill
in committee.

¹ *Commons Journal*, vol. LXII. pp. 699, 701, 720, 731, 744, 745, 753, 790.

² *Loc. cit.* p. 817.

³ *Hansard*, vol. ix. cols. 850-9.

and the preamble of the Bill, which referred to the instruction of youth as leading to the promotion of morality and virtue, and which cited Scotland as an instance of such benefits, was objected to, but retained by 33 to 28 votes¹.

The Bill was read the third time on Thursday, August 6th², and on August 11th Lord Holland moved the second reading in the House of Lords, when Lord Hawkesbury's motion that the Bill should be read that day three months was adopted without a division. The Bill was opposed by the Lord Chancellor (Lord Eldon) and by the Archbishop of Canterbury (Dr Mannors Sutton), who, however, declared themselves in favour of improved educational conditions. Lord Stanhope strongly supported the Bill, and attacked the claim of the Establishment to control all education³. With the failure of this Bill all effort after legislation was abandoned for nine years.

53. The Select Parliamentary Committee to enquire into the Education of the Lower Orders was appointed in 1816, and issued its first report, dealing with the Metropolis, in the same year. Subsequently the Committee extended their enquiries to the whole Kingdom. In the third report a very different story to that given by Mr Brougham with respect to the condition of the country in 1803⁴ was told by the Committee as to the educational position in 1816: "There is the most unquestionable evidence that the anxiety of the poor for education continues not only unabated, but daily increasing; that it extends to every part of the country, and is to be found equally prevalent in those smaller towns and country districts, where no means of gratifying it are provided by the charitable efforts of the richer classes⁵." This was so despite "the neglect and abuse of Charitable Funds con-

The
Education
Committee
of 1816.

¹ Hansard, vol. ix. col. 1049*-55*.

² *Commons Journal*, vol. LXII. p. 824.

³ Hansard, vol. ix. cols. 1174-8.

⁴ See pp. 229, 259, *infra*.

⁵ *Third Report from the Select Committee on the Education of the Lower Orders* (1818), p. 56.

nected with education." The condition of education in country districts was, however, very bad. There were few who could help the ignorant, and "the efforts of individuals combined in societies are almost wholly confined to populous places." The Committee pointed out the difficulties that occurred where the only school in the country district was governed by regulations that excluded the Dissenters, but added that "in many schools where the national system is adopted, an increasing degree of liberality prevails, and that the church catechism is only taught, and attendance at the established place of public worship only required, of those whose parents belong to the establishment; due assurance being obtained that the children of sectaries shall learn the principles and attend the ordinances of religion, according to the doctrines and forms to which their families are attached."

This "liberality" must be noticed. The Church had awakened from its eighteenth-century sleep; it had realised once again the great part that it had to play in national education, and it had recognised that if the common faith was once more to mould the education of the children of the country the conscientious scruples of Dissenters must be respected. In that fact lies the genesis of the conscience clause of later years. The principle of the clause was indeed suggested by the Select Committee. The Committee advised on the whole educational position that two different plans were desirable, severally adapted to the opposite circumstances of the town and country districts. "Wherever the efforts of individuals can support the requisite number of schools, it would be unnecessary and injurious," said the Committee presided over by Mr Brougham, "to interpose any parliamentary assistance. But Your Committee have clearly ascertained, that in many places private subscriptions could be raised to meet the yearly expenses of a School, while the original cost of the undertaking, occasioned chiefly by the erection and purchase of the school-house, prevents it from being attempted." The Committee

recommended that money might well be employed in this way, but that it must be left to the wisdom of Parliament to decide whether such public funds should be vested in Commissioners empowered to make proper terms with the private parties desirous of establishing schools, or whether the money should be entrusted for distribution to great institutions in London for promoting education. On the other hand, in districts where no aid from private exertions could be expected and the poor "are manifestly without adequate means of instruction, your Committee are persuaded, that nothing can supply the deficiency but the adoption, under certain material modifications, of the Parish School system, so usefully established in the Northern part of the Island, ever since the latter part of the seventeenth century." We must note that the Committee, in hesitating to decide whether funds for building should be given to Commissioners or to the great school societies for distribution, had before them the example of Ireland, where Parliamentary funds were distributed by the Kildare Street Society amid considerable dissatisfaction. It is curious that the English Parliament should have adopted in 1833 the method of distribution by school societies at the very date when that method was emphatically abandoned as unsatisfactory in Ireland.

The Select Committee thought that where it was necessary to give schoolhouses to a district there should be thrown on the inhabitants of the district the burden of paying the schoolmaster's salary, "which ought certainly not to exceed twenty-four pounds a year. It appears to Your Committee that a sufficient supply of schoolmasters may be procured for this sum, allowing them the benefits of taking scholars, who can afford to pay, and permitting them of course to occupy their leisure in other pursuits." With respect to the religious question, the Committee thought that there ought to be a connexion between the proposed educational system and the

Recom-
mendations of
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Establishment, as in Scotland; but they felt the difficulty that whereas in Scotland the Dissenters differed from the Established Church on matters political and not on matters of faith, in England the difference was not so much in politics as in faith. The solution of the difficulty offered by the Select Committee was ingenious and interesting. "To place the choice of the schoolmaster in the parish vestry, subject to the approbation of the parson, and the visitation of the diocesan; but to provide that the children of sectarians shall not be compelled to learn any catechism or attend any Church, other than those of their parents, seems to Your Committee the safest path by which the Legislature can hope to obtain the desirable objects of security to the Establishment on the one hand, and justice to the Dissenters on the other¹."

It will be noticed that this Select Committee had at once realised the nature of the problems that were destined to occupy the attention of Parliament for the greater part of the nineteenth century. It moreover offered the solutions that were eventually accepted by the country. It recommended a conscience clause; it recommended, for a certain class of districts, schools that were practically rate-supported free parochial schools—the principle which was carried out by legislation beginning in 1870—and, for other and less helpless districts, grants for building schools—the principle carried out by the grants that Parliament began to make in 1833. The system of control over the rates was to be parochial; the system of inspection was to be diocesan, but full regard was to be paid to the claims of conscience and to the right of Dissenters to retain their children in dissent. The scheme was sound, able, and well thought out, and we must regret that Parliament was unable to adopt such suggestions².

54. The mass of information collected by the Select

¹ *Third Report of Select Committee on Education of Lower Orders*, pp. 5, 6.

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Committee of 1816 enabled Mr Brougham to bring forward his Education Bill with wide knowledge of the educational problem that awaited solution. The high tribute that he paid to "the whole of the clergy of the established church" was a well-deserved tribute to the unceasing labours through many centuries of that Church on behalf of education, and it is important as showing how inseparable was the connexion between the Church and education, and how thoroughly the Clergy had awakened to their immense responsibilities.

The Edu-
cation Bill
of 1820.

Circulars asking for information of an elaborate character were issued to 11,400 clergymen of parishes, and full answers were received from 11,200, though no statutory duty to furnish the information lay upon these persons. "It was, however," said Mr Brougham, "quite impossible that any words of his could do justice to the zeal, the honesty and the ability with which they had lent their assistance towards the attainment of the great object which had been proposed as the result of the inquiries¹." The speech as reported in Hansard is extremely valuable and interesting. Mr Brougham pointed out that the assertions of Dr Patrick Colquhoun² in 1806—that there were 2,000,000 children in England and Wales, including 50,000 in London, in want of education, and that 1,750,000 persons grew up without any education—were untrue and inconsistent with the facts known as to population. Dr Colquhoun's further suggestion that the problem could only be met by building in each parish a school capable of holding 800 children was, Mr Brougham showed, absurd, as the average

Tribute to
the clergy by
Mr Brougham.

¹ Appendix III. p. 249, *infra*. As to the self-sacrifice of the Established Clergy in the cause of education see the evidence of the Bishop of London before the Select Committee of 1834 (*Parliamentary Paper*, No. 572, p. 194, Q. 2492-4).

² (1745-1820) Metropolitan Police Magistrate. Author of *A New and Appropriate System of Education for the Labouring People* (1806); see *Dictionary of National Biography*.

number of children in each parish was 85, and there were in all only 50 parishes that contained 800 children and 700 parishes that contained 400 children. Mr Brougham proceeded to show from the statistics collected by the Committee that in 1820 there were 500,000 children receiving education in unendowed schools, of whom about 53,000 "were educated, or rather not educated," at dame schools, while 165,432 received education at endowed schools. He then argued that rather more than one-tenth of the whole mass of the population were children requiring education, and that as a matter of fact (regarding the children in dame schools as not receiving education) one-sixteenth of the whole population were children actually receiving education. The following passage from Hansard shows the educational position with regard to numbers as conceived by Mr Brougham : "The average means of mere education, therefore, was only in fact one-sixteenth in England ; yet even this scanty means had only existed since the year 1803, when what were called the new schools, or those upon the systems of Dr Bell, and Mr Lancaster, were established. Those schools were in number 1,520, and they received about 200,000 children. Before 1803, then, only the twenty-first part of the population was placed in the way of education, and at that date England might be justly looked on as the worst-educated country of Europe. What a different picture was afforded by Scotland ! The education there was in the proportion of 1-9th or between 1-9th and 1-10th. Wales was even in a worse state than England : at the present day the proportion was 1-20th, and before 1803, it was 1-26th." Mr Brougham arrived at the general conclusion that every fifth person was without the means of education. He then entered into an interesting survey of the position by counties. Middlesex, "the great metropolitan county of England, was, beyond all dispute, the worst-educated part of Christendom." In that county (excluding dame schools) only one forty-sixth

Brougham's
conclusions
from his
Committee's
statistics.

of the population had the means of education'. Lancashire was but little better, having only one-twenty-fourth of the population placed in the way of education. The same proportion held in the six midland counties, Buckinghamshire, Bedfordshire, Cambridgeshire, Northamptonshire, Hertfordshire, and Huntingdonshire; and the speaker went on to show that in these counties 20,000 children received free education, while only 18,000 paid anything for their education. Mr Brougham went on to strengthen this apparent argument against free education by showing that in Westmoreland, where one-seventh of the population were receiving education, there were only 48 children educated free out of a total of 2,700 scholars, and that in Scotland there was hardly such a thing as gratuitous education. In the four northern counties the average number receiving education was one-tenth of the population.

It may be pointed out that, assuming that Mr Brougham's figures were really reliable (which is very doubtful), and accepting his assumptions as to the necessary educational proportions, his conclusion against free education is not entirely convincing, for in the counties of Middlesex and Lancaster and in some extent in the midland counties there were other causes, such as the rapid aggregation of population and widespread child labour, that militated against the spread of education. The orator's general conclusion was one that is still echoed by many educationalists to-day: "it was his great object, that whilst measures were adopted for bringing education home to the doors of all, that all should still pay a little for it." The whole speech was as broad-minded as the speech with which Mr Forster introduced the

¹ Much educational work among the very poor in London was done a little later by Dissenters. The Christian Instruction Society—founded in 1825 by Baptist and Independent Dissenters—visited about 40,600 families in London and drew many children to school. (See evidence of the Rev. John Blackburn before the Select Committee of 1835. *Parliamentary Paper*, No. 465, pp. 51-3.)

Act of 1870; and after such a speech, and in the face of the figures quoted, it is certainly a matter of surprise that the introduction of universal education should have been delayed for more than half a century. The idea of compulsion that underlay the Bill was an adaptation of the idea that was embodied in Mr Whitbread's Bill of 1807.

Four objects were aimed at in the Bill of 1820¹. The first was to plant the school wherever it was needed.

Where there was no school, power was to be given to the Grand Jury or to the parson of the parish or to two justices or to five resident householders to lodge a complaint through a special or school sessions of quarter sessions, and to demand the building of the school and the endowment of a mastership. The £20 or £30 a year for the master of the school was to be raised by a tax on the country gentry, whilst the expense of building the school was to fall on the manufacturers, who as a class contributed little to the poor rates. The second object of the Bill was to secure efficient schoolmasters, and it was felt that this could be done by offering a fixed endowment, and by restricting the age of the masters to the limits of twenty-four and forty years, and by only accepting those who were members of the Established Church. The third object of the Bill was to define the class of education to be given. It was provided that at each new appointment of a master to a school, the parson of the parish should "fix the course of teaching according to the state of the parish." In order to attract Non-conformists, it was further provided that the Scriptures alone should be taught, and that no form of worship should be allowed in the school except the Lord's Prayer and other passages of Scripture. This was a distinct foreshadowing of the Cowper-Temple clause of 1870². It was also provided that Church children should attend church, but that Dissenters

Four objects
of the Bill
of 1820.

¹ See Appendix III. pp. 265 *et seq.*, *infra*.

² 33 & 34 Vict. c. 75, s. 14 (2).

should take their children to their own churches or chapels. It was further provided that there should be a school meeting on Sunday evening to teach the Catechism to all those who did not object. And it was lastly provided that reading, writing, and arithmetic should be taught in all the schools and to all the children of fit age. The fourth object of the Bill was to relieve the country of part of the expense by making the old endowments in some measure available for modern elementary education. The introducer of the Bill did not propose to clothe or board the children, even when the Trust directed it, as he believed such a provision constituted "a premium for the neglect of prudence and frugality." Mr Brougham estimated that the cost of carrying into effect his Bill "for the better education of the poor in England and Wales" would be £500,000 for the cost of erecting schools and £150,000 a year for maintenance. The Bill caused very great alarm among the Roman Catholics and prominent Dissenters, who believed, or were induced to believe, that it was intended to compel the children of all sects to attend the places of worship of the Established Church¹.

The history and fate of the Bill is interesting. On April 20th, 1820, Mr Brougham announced his intention of introducing the Bill as soon as the Education Digest was completed. The Bill was introduced on Wednesday, June 28th, and was read the first time on July 11th, when the protest of the Dissenters and Roman Catholics was dealt with. The Bill was read a second time on July 12th, and committed. All seemed to be going well, but on July 13th the Committee reported, and it was ordered that the Report should be taken into further consideration on that day six months. This sudden end to the Bill was chiefly due to the opposition of the Dissenters. Indeed Lord Brougham in his evidence before the Select Committee of 1834 definitely stated that he withdrew his Parish School Bill of 1820 in deference to the

¹ Hansard, N. S. vol. II. col. 365.

objections of the Dissenters¹. There was, however, very little in the Bill that either Dissenters or Roman Catholics who believed in the necessity of education could have objected to at that date.

55. The ten years from 1820 to 1830 saw no legislative action on the subject of education, though the public interest in the subject increased year by year, and almost day by day. In 1823

Educational
opinions from
1820 to 1830.

King George IV issued a Letter authorising subscriptions to be given in aid of the educational work of the National Society. The Royal letter resulted in the public subscription of above £28,000, which was applied to the erection, enlargement, and fitting-up of schoolrooms under the National Society's control². In 1825, when Mr Brougham brought out his *Observations on the Education of the People*, the interest in the subject was so great that the pamphlet ran through twenty editions in less than a year. The history of education at this period is part of the life of Lord Brougham, whose efforts during half a century, on behalf of all grades of education, were enormous, and who actually as late as 1864³ was striving to organise education for the great middle classes. In his fine speech on elementary education in 1820 he had quoted Milton's views on education with respect, and said that "he agreed with one of the wisest men that had ever lived, that to one of the rank to which he alluded, a knowledge of all the languages of the globe could not, in point of utility, be put in competition with an acquaintance with a single mechanical art⁴." These opinions were emphasised in the pamphlet of 1825, where Brougham dwells on the necessity of education for the higher classes. The mechanical arts he strove to bring to the doors of the poorer classes by starting, with the

¹ *Parliamentary Paper*, No. 572, p. 222.

² Evidence of Mr W. Cotton before the Select Committee of 1834 (*Parliamentary Paper*, No. 572, Q. 1883-4, p. 140).

³ Hansard, vol. CLXXV. col. 697, 698.

⁴ Appendix III. p. 257, *infra*.

and the preamble of the Bill, which referred to the instruction of youth as leading to the promotion of morality and virtue, and which cited Scotland as an instance of such benefits, was objected to, but retained by 33 to 28 votes¹.

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⁴ See pp. 229, 259, *infra*.

⁵ *Third Report from the Select Committee on the Education of the Lower Orders* (1818), p. 56.

tax, your petitioners will cheerfully bear their part of the burthen," though they felt that there were ample endowments for this purpose, and referred to the case of the Manchester Free Grammar School, with an income of £4,400 and only 150 boys, some of whom were paying scholars. It was pointed out by Mr Brotherton that, according to the returns made to Parliament, the revenues of endowed schools in England amounted to upwards of £3,000,000 annually¹. On February 18th inhabitants of Liverpool petitioned the House of Commons, and prayed the House "to adopt measures for promoting and improving the National Education²." On April 15th members of the Literary and Scientific Institution of the City of Worcester petitioned for "a general system of National Education³." On April 25th Mr Lennard presented petitions from the towns of Epping and Harlow, calling on the House to devise a plan by which the children of the poorer classes might be provided with education suited to their situation in society, and which might not interfere with their religious feelings and opinions. The petitioners pointed out that statistics showed that crime prevailed the most amongst the least educated. Mr Joseph Hume, the Member for Middlesex, made this petition the opportunity for a violent attack on the Government and Lord Althorpe⁴. On August 1st, 1833, inhabitants of Brechin prayed for "the speedy establishment of a School in every parish in *England and Ireland*," with a Bible class in school hours. They suggested that the funds should be found in the same manner as in Scotland⁵. All these straws showed how the wind had set. Even Liverpool had changed its mind. In 1807 it had petitioned against Mr Whitbread's Bill⁶.

In the meantime a significant event had happened. On

¹ Hansard, vol. xv. col. 760; *Commons Journal*, vol. LXXXVIII. p. 45.

² *Loc. cit.* p. 57.

³ *Loc. cit.* p. 269.

⁴ *Loc. cit.* p. 309; Hansard, vol. xvii. col. 593.

⁵ *Commons Journal*, vol. LXXXVIII. p. 623.

⁶ *Ibid.* vol. LXII. p. 744, and see p. 223, *supra*.

March 14th, 1833¹, Lord Brougham announced in the House of Lords his abandonment of the principle of compulsory education upon which he had based his Bill of 1820. He felt that the voluntary principle had done so much in the preceding thirty years that a compulsory rate was no longer necessary. This unfortunate change of view was based on the fact that in 1833 there were 1,030,000 children in the unendowed schools, in addition to 165,000 in the endowed schools. This was such an immense increase since 1820 that Lord Brougham felt that voluntary education had justified itself².

On July 30th, 1833, Mr Roebuck brought forward, in opposition to the changed views of Lord Brougham, a compulsory scheme of education. He moved "That this House, deeply impressed with the necessity of providing for a due Education of the People at large; and believing that to this end the aid and care of the State are absolutely needed, will, early during the next Session of Parliament, proceed to devise a means for the universal and national Education of the whole People³." His lengthy and didactic speech is very interesting as showing the way in which the idea of national education was growing⁴. "Education," said Mr Roebuck, "means not merely these necessary means or instruments for the acquiring of knowledge, but it means also the so training or fashioning the intellectual and moral qualities of the individual, that he may be able and willing to acquire knowledge, and to turn it to its right use⁵." Mr Roebuck referred to the compulsory

Roebuck's
scheme of
compulsory
education.

¹ Hansard, vol. xvi. col. 635.

² His change of view began in 1828. On May 24th, 1833, Lord Kerry moved an address of the House of Commons asking the King to give directions that a Return as to the amount of education in the country should be laid before the House. This Return belongs to the history of the important period 1833-1839. Lord Melbourne's reluctance to spend £1,000 delayed the necessary inquiries till the late autumn of 1833. See *Parliamentary Paper*, No. 62, of 1835; *Parliamentary Paper*, No. 572, pp. 1, 222, of 1834.

³ *Commons Journal*, vol. LXXXVIII. p. 615.

⁴ Hansard, vol. xx. cols. 139-166.

⁵ *Loc. cit.* col. 142.

system of education that had in 1833 been introduced into France, and to the compulsory systems at work in Prussia and Saxony, and stated his opinion that it was necessary to introduce a similar system into this country. "In general terms, I would say, that I would oblige, by law, every child in Great Britain and Ireland, from, perhaps, six years of age to twelve years of age to be a regular attendant at school. If the parents be able to give, and actually do give their children elsewhere sufficient education, then they should not be compelled to send them to the national school. If, however, they should be unable or unwilling to give them such instruction, then the State should step in and supply this want, by compelling the parent to send the child to the school of the State." This of course was the exact idea of the Act of 1876. Mr Roebuck's conception was to set up three classes of State schools—namely, infants' schools, schools of industry, in which would be taught, in addition to reading, writing, and arithmetic, the elements of art, hygiene, natural history, and the proper knowledge of some trade, and normal schools, for the training of teachers, who would receive from such schools the qualifying teaching certificate. Evening schools in towns were also advocated. Mr Roebuck believed that the country should be divided into school districts, where the voters should elect a school committee. The control of education should, he thought, be placed in the hands of a member of the Cabinet, who would supervise the National School system.

It is probable that Mr Roebuck's ideas to an appreciable extent affected the ultimate settlement of 1870. An interesting debate followed, Mr Grote was in favour of a national system. Lord Althorp could not agree that there should be any provision to make it penal in a father not to educate his child. "He was of opinion, that they might give a father the means of educating his children, and put it in the power of a man who could not afford the expense to do so without expense; but

Debate on
Mr Roebuck's
proposal.

Committee of 1816 enabled Mr Brougham to bring forward his Education Bill with wide knowledge of the educational problem that awaited solution. The high tribute that he paid to "the whole of the clergy of the established church" was a well-deserved tribute to the unceasing labours through many centuries of that Church on behalf of education, and it is important as showing how inseparable was the connexion between the Church and education, and how thoroughly the Clergy had awakened to their immense responsibilities.

The Education Bill of 1820.

Circulars asking for information of an elaborate character were issued to 11,400 clergymen of parishes, and full answers were received from 11,200, though no statutory duty to furnish the information lay upon these persons. "It was, however," said Mr Brougham, "quite impossible that any words of his could do justice to the zeal, the honesty and the ability with which they had lent their assistance towards the attainment of the great object which had been proposed as the result of the inquiries¹." The speech as reported in Hansard is extremely valuable and interesting. Mr Brougham pointed out that the assertions of Dr Patrick Colquhoun² in 1806—that there were 2,000,000 children in England and Wales, including 50,000 in London, in want of education, and that 1,750,000 persons grew up without any education—were untrue and inconsistent with the facts known as to population. Dr Colquhoun's further suggestion that the problem could only be met by building in each parish a school capable of holding 800 children was, Mr Brougham showed, absurd, as the average

Tribute to the clergy by Mr Brougham.

¹ Appendix III. p. 249, *infra*. As to the self-sacrifice of the Established Clergy in the cause of education see the evidence of the Bishop of London before the Select Committee of 1834 (*Parliamentary Paper*, No. 572, p. 194, Q. 2492-4).

² (1745-1820) Metropolitan Police Magistrate. Author of *A New and Appropriate System of Education for the Labouring People* (1806); see *Dictionary of National Biography*.

admitted he would have wished to have seen a far larger grant¹.

On Saturday, August 17th, 1833, in a very empty House of Commons, a vote of £20,000 for the purposes of education was passed after a hot debate by 50 votes to 26 votes. Mr T. B. Macaulay voted with the majority in favour of the grant. Lord Althorp explained that the object of the grant was to build schools where there already existed the means of carrying on such schools. In the debate Lord John Russell pointed out, in answer to a complaint that no ground for the experiment had been shown, that in the Report of the Education Committee in 1818 there were cases referred to of parishes which, if they could have been assisted in the first outlay, would afterwards have supported their own schools². This was still the case in 1833, and justified a vote for building grants. Mr William Cobbett³, the Member for Oldham, opposed the grant on the ground that education was not improving the condition of the country. In the country districts, he said, the father was a better man and a better labourer than his son. Reports on the table of the House proved, he declared, that men became more and more immoral every year. Then what had become of the benefits of education? Education had been more and more spread; but to what did it all tend? "Nothing but to increase the number of schoolmasters and schoolmistresses—that new race of idlers. Crime, too, went on increasing. If so, what reason was there to tax the people for the increase of education? It was nothing but an attempt to force education—it was a French—it was a Doctrinaire—plan, and he

The first
grant for
English
elementary
education.
August 17th,
1833.

¹ Hansard, vol. xx. col. 719. The first University grant of this type appears to have been made on June 28th, 1821 (*Commons Journal*, vol. lxxvi. p. 487).

² See p. 225, *supra*.

³ (1762–1835). It should be remembered that in 1803 he originated the *Parliamentary Debates* which became Hansard in 1812.

should always be opposed to it." It is difficult to realise that Mr. Doctest—a praiser of times past, a hater of State intervention, a despiser of French philosophy—was the advanced reformer of his day. One does not usually couple such opinions with the conceptions of reform. Mr. Joseph Hume opposed the grant on the somewhat reasonable ground that it was too small to constitute a national system, and without such a system there was no justification for the grant. In the division on the grant he acted as one of the tellers for the Noes. The form of vote was as follows: "That a Sum, not exceeding twenty thousand pounds, be granted to His Majesty, to be issued in aid of Private Subscriptions for the Erection of School Houses, for the Education of the Children of the Poorer Classes in Great Britain, to the 31st day of March 1834: and that the said sum be issued and paid without any fee or other deduction whatsoever¹." The vote of £20,000 appears in the Revenue Act, 1833², as a grant for the erection of school houses in Great Britain.

With this beginning may conveniently end an introduction to the history of English education in its relationship to the State. The method by which this grant was distributed by the Lords of the Treasury cannot be dealt with here. It belongs to the history of the important period from 1833 to 1839 and requires elaborate treatment. The year 1833 is the dividing point between the old education and the new. August 17th, 1833, was the first date on which the monies of Parliament were voted for elementary educational purposes in Great Britain. An important and historic precedent had been set, and from that moment the House of Commons, amid all its drifting and irresolution, never turned back.

The birth
of modern
State-aid for
education.

¹ Hansard, vol. xx. cols. 732-737.

² *Commons Journal*, vol. LXXXVIII. pp. 692, 693.

³ 3 & 4 Will. IV. c. 96, s. 17.

APPENDIX I.

THE TEXT OF THE GLOUCESTER GRAMMAR SCHOOL CASE, 1410.

*Les Reports del Cases en Ley, que furent argues en le temps
de tres Haut et Puissant Princes les Roys Henry le
IV. & Henry le V.....London.....MDCLXXIX.....*

*De Termino Hillarii. Anno xi. Henrici IIII. page 47. Case 21.
Trespas. Action sur le case 28 F. & 42 B.*¹

“Deux Masters de Grammer Schole porterent briefe de *Trespas* vers un auter Master, et counta que lou le collacion de Grammer Schole de *Gloucester* de temps d'ont memory ne court, etc. appartient al Prior de *Lantone juxta Gloucester*, le dit Prior aver fait collacion as dit plaintiffes, d'aver le governance des dits Escholers, et d'enformer les enfans et auters, etc. la ad le defendant levy un Eschole en meme le ville, per que lou les plaintiffes soloient prendre d'un enfant per le quarter xl. d. ou ii. s. ore ils ne preigne forsque xii. d. as damage, etc. ¶ *Horton* fist plein defence. ¶ *Till*. [? Tickill] Son briefe ne vault riens. ¶ *Skrene*. Il est bon Action sur le case, et les plaintiffes ont ore monstre sufficient matter coment ils sont en damage, per que, etc. ¶ *Hank*. [William de Hankeford] *Dampnum* (puit estre) *absque injuria*, Come si j'ay un Molyn, et mon vicine leve un auter Molyn, peront le profite de mon Molyn est diminish, j'averre nul action vers luy, uncore il est damage a moy, *quod Thir*. [William Thirning] *concessit*, et dit, que enformacion des enfantes est chose espirituel, et si home reteigne un Master en son meason d'enformer les enfans, il serroit damage al

¹ This is the side-note. The references are to Fitzherbert's and Brooke's Abridgements.

Common Master del ville, uncore jeo croy que il n'aver my action. ¶ *Skrene*. Le Master de *Paul's* claime que ils ne serroient auters Masters en tout le City de *Londres*, forsque eux. Et puis *Horton* demande judgement si le Court voillent conustre ¶ *Skrene*. Vous estes passe, Et puis ¶ *Horton* Demurre que l'action ne suit mye meintenu. ¶ *Skrene*. Entant que nous voillons averrer le tittle le Prior, *ut supra*, et que nous sommes en damage, pur ceo que il ad retretes nos Escholers, et ensement lou nous solomus prendre d'un Escholer xl. d. ou ii. s. per le quarter, ore nous ne prendromus forsque xii. d. nous demaundomus judgement, et priomus nous damage. ¶ *Hill*. [Robert]. Il fault foundement en cest case de maintenir l'action, pur ceo que les plaintiffes n'aver nul estate, mes un ministry pur le temps, et coment que un auter, que est auxibien apris de faculty come les plaintiffes sont, vient pur enformer les enfans, c'est vertuous et charitable chose, et ease al people, pur que il ne puit estre puny per nostre ley, per que, etc. ¶ *Thirn*[ing]. Si le Prior poiast aver tiel Collacion des Escholes ou nient, cest court ne puit my conustre, pur ceo que le doctrine et enformation des enfans est chose espiritual, et donques les plaintiffes ont claime les Escholes per le collacion le Prior, et sur cel ont foundue lour action, que est accessory, et depende sur le tittle le Prior, que est le principal et chose espiritual, il semble que cest action ne puit estre trie en cest Court. ¶ *Skrene*. Si un Market soit levy al nusance de mon Market, j'avera assise d'anusans, et en un commen case si les venants a mon Market soient disturbes ou batus, per que jeo perds mon tolne, j'avera assise bon action de trespas sur mon case, auxy icy. ¶ *Hank*[eford]. Nient semble, pur ceo que en vostre case vous aves franktenement et enheritance en le Market, mes icy le[s] plantiffes ont nul estate en le Scholemaster-ship, etc. mes pur le temps non certain, et il sera encounter reason, que un Master serra disturbe a tenir Schole on luy pleist, sinon que le fuit en case ou un University fuit corporate, et Escholes foundus sur auncient temps, et en case d'un molyn (come jeo disoy avant) si mon vicine levy un molyn, auters que soloient moulder a mon molyn, alent a l'auter molyn, peront mon tolne est amenus, pur cel cause jeo n'avera my action : Mes si un moliner disturbe l'ewe de courger a mon molyn, ou face tiel maner de nusance, j'avera action, sicome le ley donne. Et l'opinion del Court fuit, que le briefe ne gist my : Per que fuit agarde, que ils ne pristeront riens, etc. : eins, etc."

APPENDIX II.

THE ENDOWMENT OF SCHOOLS BETWEEN 1660 AND 1730 (WITH STATISTICAL TABLES).

THE figures in the Table of Schools given below are calculated from the undigested *Digest of Schools and Charities for Education as reported on by the Commissioners of Inquiry into Charities* presented to Parliament in 1842. Table I. here constructed shows the total number of endowed grammar schools and "Schools not Classical" in England and Wales. The totals for each county are given. The total number of grammar schools for the whole country according to this report is 701, while the total number of "Schools not Classical" is 2194, making a final total of 2895 endowed schools in England and Wales. The period 1660—1730 is next analysed. During that period 172 grammar schools were founded, and 51 grammar schools previously founded received additional endowments. Thus a number approaching one-third of the grammar schools that existed in 1842 were either founded or additionally endowed in the period 1660—1730. A much larger proportion of the existing endowed elementary schools owe their existence to the same period. During that period 905 endowed unclassical schools were founded, and 72 endowed unclassical schools previously founded received additional endowments. Thus a number approaching one-half of the elementary endowed schools of England and Wales (the decimal, to be more exact, is .445...) were either founded or additionally endowed in the period 1660—1730, while .412 of all the endowed elementary schools were actually founded in the period.

These figures are not complete. Some of the 168 elementary schools with "unknown" foundations and of the schools that have their origin in undated wills or deeds may be referred to this period, and the same may be said with respect to undated additional endow-

244 CHARITY SCHOOLS AND ENDOWED SCHOOLS.

ments. On the other hand while the number of schools founded or additionally endowed in the period 1660—1730 exceeds the numbers given, the proportions to the total number of foundations are smaller than is indicated above, as the information contained in the 1842 Digest is very incomplete and misleading with respect to foundations of the sixteenth and earlier centuries. It is therefore impossible at present to make an absolute estimate of the proportion of the endowed schools of England founded before 1842 that were founded between 1660 and 1730.

The vigour of the educational movement in England in these seventy years is further exhibited in the remarkable number of charities for education not attached to endowed schools that were founded in this period. Table II. given below is a Digest of these unattached charities as they appear in the undigested *Digest of Schools and Charities* of 1842 from which Table I. is compiled. The total number of these charities in England and Wales in 1842 was 2170, and of these no less than 655 were founded between 1660 and 1730. This fact is evidence that the educational movement was vigorous along lines that were quite independent of the charity school movement. The rapid creation of charity schools was in itself significant; and as a movement it must be regarded as in a great measure independent of the extraordinarily rapid foundation of elementary endowed schools. Doubtless the movements overlapped, but as the foundation of charity schools (apart from Gouge's schools) did not begin before 1699 it is clear that all the elementary endowed foundations before that date belong to an independent source, and probably no very large proportion of the 1658 charity schools that had sprung into existence by the year 1739 (see pp. 201, 202 *supra*) belonged to the 905 elementary endowed schools (see pp. 189, 190 *supra*) founded between 1660 and 1730. Allowing a considerable margin for overlapping we arrive finally at the result that in the period between 1660 and 1730 above 2,500 schools of all classes were founded in England and Wales, that over 100 schools received supplementary endowments, and that 650 unattached educational charities were created. It would not be possible to give a reasonably adequate explanation for such a movement without a lengthy analysis of the economic and social conditions of England that would be out of place here. Buckle's *History of Civilization in England*, vol. I. pp. 348—396, supplies valuable material for such an analysis.

I. TABLE OF ENDOWED SCHOOLS BY COUNTIES.

COUNTIES	GRAMMAR SCHOOLS			ENDOWED NON-CLASSICAL SCHOOLS		
	Total number	Founded between 1660 & 1730	Founded before 1660 and re-endowed between 1660 & 1730	Total number	Founded between 1660 & 1730	Founded before 1660 and re-endowed between 1660 & 1730
Bedfordshire	2	—	—	17	9	—
Berkshire	4	1	—	41	14	4
Buckingham	5	1	—	22	13	—
Cambridgeshire	3	1	2	46	19	2
Cheshire	22	5	3	67	17	7
Cornwall	6	1	—	18	6	—
Cumberland	27	7	1	41	11	1
Derbyshire	17	4	1	76	32	1
Devonshire	17	6	—	51	21	2
Dorsetshire	9	2	—	28	10	2
Durham	10	1	—	43	13	—
Essex	16	2	1	52	20	—
Gloucestershire	15	2	1	51	27	—
Herefordshire	10	1	—	46	11	—
Hertfordshire... ..	10	1	—	26	11	2
Huntingdonshire	4	—	—	17	13	—
Kent	18	2	1	67	29	3
Lancashire	79	21	9	143	41	4
Leicestershire	15	6	—	39	12	2
Lincolnshire	26	7	1	102	58	4
City of London	6	2	1	35	32	—
City of Westminster	2	1	1	14	10	1
Middlesex	9	—	3	60	29	4
Monmouth	4	—	—	12	4	—
Norfolk	16	5	—	37	17	—
Northamptonshire	16	5	2	65	30	1
Northumberland	9	3	—	29	14	1
Nottinghamshire	10	5	1	40	18	—
Oxfordshire	10	1	—	41	17	2
Rutland	1	—	—	5	3	—
Shropshire	13	1	2	51	18	4
Bristol, City of	2	1	—	13	7	1

TABLE I. *continued.*

COUNTIES	GRAMMAR SCHOOLS			ENDOWED NON-CLASSICAL SCHOOLS		
	Total number	Founded between 1660 & 1730	Founded before 1660 and re-endowed between 1660 & 1730	Total number	Founded between 1660 & 1730	Founded before 1660 and re-endowed between 1660 & 1730
Somerset	15	6	2	39	16	2
Southamptonshire	9	4	2	37	13	—
Isle of Wight	2	—	—	7	2	—
Staffordshire	22	2	—	70	26	—
Suffolk	18	4	2	34	13	2
Surrey	8	1	1	33	19	1
Southwark, Boro' of	2	—	—	3	3	—
Sussex	8	3	—	29	11	2
Warwickshire	13	1	2	69	32	2
Westmoreland	40	15	1	21	8	—
Wiltshire	7	4	—	49	22	2
Worcestershire	14	—	3	58	28	3
City of York	2	—	—	2	1	—
Yorkshire						
East Riding	10	3	1	36	8	—
North Riding	27	8	—	43	10	1
West Riding	63	17	5	161	61	4
N. Wales						
Anglesey	1	—	—	5	3	—
Carnarvon	3	—	—	8	4	—
Denbighshire	5	1	1	21	9	2
Flintshire	4	1	—	10	6	1
Merionethshire	3	2	1	7	2	—
Montgomeryshire	2	1	—	14	7	—
S. Wales						
Brecon	1	—	—	8	4	—
Cardiganshire	2	—	—	4	—	—
Caermarthenshire	1	—	—	11	3	2
Glamorganshire	2	2	—	5	4	—
Pembrokeshire	2	1	—	8	2	—
Radnor	2	1	—	7	2	—
Totals ...	701	172	51	2194	905	72

II.

TABLE OF EDUCATIONAL CHARITIES (NOT ATTACHED TO ENDOWED SCHOOLS) BY COUNTIES.

COUNTIES	Total number of Charities	Number founded between 1660 & 1730	COUNTIES	Total number of Charities	Number founded between 1660 & 1730
Bedfordshire ...	28	13	Southamptonshire	51	17
Berkshire ...	57	16	Isle of Wight ...	5	5
Buckinghamshire	39	11	(General Charity)	1	1
Cambridgeshire	26	7	Staffordshire ...	54	21
Cheshire ...	24	7	Suffolk... ..	82	30
Cornwall ...	28	6	Surrey	41	16
Cumberland ...	29	3	Southwark ...	3	1
Derbyshire ...	38	15	Sussex	48	14
Devonshire... ..	147	58	Warwickshire ...	51	10
Dorsetshire... ..	22	3	Westmoreland ...	13	2
Durham	19	7	Wiltshire	51	16
Essex	71	13	Worcestershire ...	28	8
Gloucestershire	94	34	City of York ...	12	7
Herefordshire ...	26	9	Yorkshire		
Hertfordshire ...	34	6	East Riding ...	55	22
Huntingdonshire	16	5	North Riding ...	70	16
Kent	86	23	West Riding ...	121	23
Lancashire	60	17	North Wales		
Leicestershire ...	78	22	Anglesey	8	3
Lincolnshire ...	52	13	Carnarvon	9	4
City of London ...	12	6	Denbighshire ...	10	4
Middlesex	38	12	Flintshire	4	—
Monmouth	5	3	Merionethshire	5	1
Norfolk	63	19	Montgomerysh.	11	3
Northamptonshire	65	16	South Wales		
Northumberland	14	4	Brecon	6	3
Nottinghamshire	50	12	Cardiganshire	3	—
Oxfordshire	48	23	Caermarthensh.	8	3
Rutland	7	—	Glamorganshire	10	5
Shropshire	44	16	Pembrokeshire	6	1
Bristol	1	1	Radnor	6	1
Somerset	77	18			
			Totals ...	2170	655

APPENDIX III.

TEXT OF LORD BROUGHAM'S SPEECHES OF 1820
(HANSARD, VOL. II. COLS. 49-89) AND 1835
(HANSARD, VOL. XXVII. COLS. 1293-1333).

*The Speech of Mr Henry Brougham, in the House of
Commons, on Wednesday, June 28, 1820, on the
Education of the Poor.*

HE said, he returned his best thanks for the candour and the kindness of both the hon. gentlemen, in allowing him the precedence; and now, without any further preface, he would at once enter upon the subject he wished to bring before the House. After a very long period of time employed upon its consideration, he had at length determined to bring forward a motion, which in his estimation, was second to none in its magnitude or its importance. Parliament had been for some time, indeed, occupied upon what might be vulgarly considered a topic of more importance, a question to which the most intense attention of the nation had been directed; but by the production of the plan which he was about to submit to parliament, he trusted, that he should put it in the power of the House to do a benefit to mankind which would exist and be widely felt, long after that question should have been determined, and long after the differences which existed between the individuals (illustrious as they were) who were more immediately connected with it, should have been forgotten. He well knew that this was a very unfortunate moment for bringing forward a question proceeding upon such abstract principles as the present one; and he could only hope that

the House would assist him, by its candour and attention, in listening with as little interruption as possible to the developement and elucidation of those principles, which became, for that very reason the more indispensable. Without meaning for one moment, or in the slightest degree, to convey any thing like a sneer or a sarcasm, he would beg leave to say, that if any hon. gentleman should feel that the subject before the House was one which possessed not sufficient interest to command his attention, it would be better that he should remove to scenes more capable of exciting that interest within him. It was now more than two years since those proceedings, the result of which it was now his duty to bring before them were commenced. They had been since pursued with various success, but with equal industry, perseverance, and zeal upon the part of the gentlemen who were engaged in them. Their inquiries and exertions had produced a mass of statistical information, which, for its importance and its kind, was equally unprecedented; for, instead of possessing the dry, abstract, and uninteresting character of statistics (and they who were versed in that science would know that such, generally speaking, was their nature), instead of mere numerical details and elaborate calculations, those inquiries had produced a vast body of moral information, which, the more it was studied and examined, would be found to be the more important and valuable.

Before he proceeded further, he felt it his duty to return his most cordial thanks to those reverend gentlemen, without whose assistance they could not have advanced a single step towards that point of their labours at which they had arrived—he meant the whole of the clergy of the established church. It was, however, quite impossible that any words of his could do justice to the zeal, the honesty, and the ability with which they had lent their assistance towards the attainment of the great object which had been proposed as the result of the inquiries. Those reverend persons had been actuated by no angry feeling, and had manifested no degree of impatience, when, from the circumstances of the nature of the information which was required, and the length at which it was to be detailed, their readiness to undertake what they might have considered a work of unnecessary labour was a thing hardly in reason to be expected from them. He candidly confessed that he felt it incumbent upon him to enter a little more into the statement

250 RETURNS FROM ELEVEN THOUSAND CLERGYMEN.

which he thought it necessary to make upon this part of the subject, in justice to the important services of the reverend individuals in question. This was a measure the great burden of which must of course be thrown upon the ministers of the established church. It might be proper, therefore, rather to show, first of all, what were the claims of those clergymen to the confidence which this bill reposed in them; and that he could not do in any way so well as in stating merely what it was which they had done. The first work of the committee had been to address a circular to the whole of the clergy of England and Wales; the object of which was to call their attention to a variety of matters connected with the present subject. The clergy set about returning answers to these circulars; and as a proof with what alacrity they had exerted themselves in obedience to the wishes of the House, as signified through the committee, he need only mention, that, a day or two after, he had received no less than 600 returns, all in one day; and, two days after that, as many as 2,600; and that within one week, about one-third of the whole clergy had obeyed the wishes of the House,—that was, all those who were sufficiently near the capital to make their returns in such a space of time. After a little while the committee received nearly all the remainder; but, in a correspondence maintained with so large a number of persons as 11,400, there were, as might be expected, some defaulters; and they amounted to 600. To these another circular was addressed; whereupon, as universally happened in such cases, their number was soon greatly reduced; and about 200 ministers only were still defaulters. He had next to mention a circumstance, of which he would only say beforehand, that there was no blame to be attributed to the clerks at the post office, nor to any of those channels of transmission whose extraordinary fidelity, accuracy, and despatch, he most willingly acknowledged; nor to any party more immediately engaged in conducting or aiding in the inquiries; nor indeed to himself. By some accident, however, there were 360 returns that were mislaid after the dissolution of parliament; they were put into a box, for the purpose of being taken care of, and could not afterwards be found, as he should have occasion subsequently to explain. Another circular was in consequence addressed to the clergymen who had furnished these returns. Now, it did so happen, that these 360 returns had been picked out of the whole 11,400, as being the most elaborate, and the most ample of

them all. They had been so selected, as pattern cards, if he might use the term, of the rest. Owing to the misconception occasioned by this unfortunate accident, however, a letter was sent to those gentlemen, couched in terms which pretty smartly imputed to them neglect and delay. Those very returns were a second time called for from reverend gentlemen who were thus chid, owing to a mistake arising out of an accident, (for which, he repeated, he was not aware that any one was to blame); which accident, again, arose out of the very fact of their superior industry, skill, and attention, as testified in the returns. Any one might have supposed that, after this, those ministers would have felt themselves hurt and aggrieved; and he should not have been surprised, for one, if they had answered publicly, and said, that it was really too hard that they should be again called upon to make out returns which they had before sent up, after infinite pains and some labour; for many of them extended to the length of ten pages and upwards. But would the House believe—and he protested that it did appear to him a most unexampled and incomparable instance of a very honourable and meritorious feeling—that so great and so zealous was their good-will to a most important national object, and such the truly Christian meekness and benevolence, which they evinced, that out of those 360 clergymen no more than two murmured at the fresh trouble that was imposed upon them; and even those two transmitted the required returns, together with their remonstrances? Some of those gentlemen had fortunately kept copies of the statements which they originally sent to the committee; but others had not done so, and were under the necessity of making out fresh returns. He knew that, in making this allusion to the accident out of which the renewed applications in question originated, he ran the risk of incurring some blame; but he was content rather that blame should be imputed to him, than that he should fail to do justice to a body of men who had so handsomely and so liberally exerted themselves to remedy the loss of their own labours. The same reverend gentlemen had since answered even private letters connected with this subject, and letters written under no parliamentary authority whatever. He had himself sent private letters again and again to them, always, of course, making his most humble apologies for the trespass committed on their leisure. Another proof of the good-will to the cause which he was embarked in was this—that if any one would look

through the digest, he would find that in many cases a foundation was supported entirely by the charity and exertions of the incumbent himself. When he said this, he spoke of the working parish priests, of those meritorious individuals who, to their great honour, devoted to this laudable purpose a portion of their money and their time. He did not speak of the more dignified prelate, who could not of course be expected to reside upon the one particular spot; nor of the pluralist, who could not, if he would, reside there; but he meant the working parish minister—the true and effective labourer in the vineyard. In making this remark, he meant no compliment to those reverend gentlemen. It was merely an act of justice towards them.

He had said thus much in order to make out his case for intrusting the clergymen of the establishment with the execution of the proposed plan rather than any other body of men in the kingdom. The result of the labours of the committee was, that a Digest was prepared and ready to be put into the hands of members, which would exhibit the clearest and most prompt information on every part of the subject, and the state of education in every quarter of the country; and there still remained for completion a separate volume containing supplementary statements, to which tables were prepared to be added to render the whole as complete as possible to show the state of education, exhibiting in one view, or rather in various points of view, the state of education in every county, parish, village, and even small hamlet, showing not only the actual state of education, but the defects which existed in each. It would therefore require but a few words to explain to those gentlemen the nature of his motion, particularly its extension in a separate form to England and Wales.—There were also two keys printed; one was to the numerical tables of the Digest, and the other referred more particularly to the subject. The Digest itself consisted of an abstract of the informations obtained, and in some parts recapitulated the very words of those informations. His late lamented and hon. friend, the member for Bedford, in 1806, proposed a plan upon a similar subject, but of a very different nature; Mr Perceval objected to it, not with reference to its principle, but because he thought previous inquiry necessary: he said, "Have a commission first, and then see whether, from the information to be derived under it, a new and better plan may not be the result." What Mr Perceval recommended had now been done. The commission

had made the necessary inquiries. The result showed the errors which had hitherto existed. He held in his hand a calculation clearly proving how wide of the mark writers upon these subjects had been in former years, and how very ignorant they were of statistics. It was extracted from a book written in 1806, by Dr Colquhoun—a man who had been always considered, both here and on the continent, of great authority upon matters connected with political economy. For himself, he would own that he had always been doubtful of the infallibility of such sweeping calculations as the doctor was accustomed to indulge in, nor could he ever reconcile to himself the absolute truth of a numerical calculation which went to ascertain, even to the fraction of a single woman of the town, how many were the females in London living by prostitution. Dr Colquhoun was certainly a very lively writer, and in some respects entitled to credit, but he was never more wide of the mark than when in an evil hour he undertook to calculate the number of children in the country whose parents were unable to provide education for them. His first statement was—that there were two millions of poor children in England and Wales, who were in want of education, and 50,000 in London alone. Now it did so happen that there were not two millions of poor children at any one time in existence in England and Wales, because the number of children of an age capable of education was reckoned at one-ninth part of the whole population of a country at one time. He (Mr Brougham) estimated them at one-tenth, although he knew that his opinion was contrary to that of almost every foreign writer on these subjects. At this rate, however, the poor population of England and Wales ought to be 20 millions, and if the children of the rich were added in an equal proportion (and he should be sorry if every other man were a pauper), the whole population should be 40 millions. The next position of this author was, that there were 1,750,000 individuals in Great Britain and Ireland who grew up without education; and it was a position of which he would say, without troubling the House further on the subject, that it was equally absurd with the other. Here they had one calculation which omitted the children of the rich altogether, and another which made the number of poor children greater in amount than the total number of children in the country. The doctor went on, however, to hazard another calculation, which was

yet more untenable: it was rather a proposition indeed; for he said, "let there be built a school in each parish, capable of containing 800 poor children." Now he Mr Brougham had looked into this matter, and he found that there were only 50 parishes in the kingdom which did contain 800 such children; and that 700 parishes only contained even so many as 400 children. What was yet more was, that the average amount taken upon all the parishes of England and Wales was only 85 and not 800 children. So that, in fact, if Dr Colquhoun had been talking about the empire of China, he could not have arrived at conclusions much more erroneous. It only served to show how surely and how fatally false deductions were derived from false premises.

There was one difficulty which had formerly stood in the way of such a plan as that he had now to submit, which no longer existed: it was one which had not in fact been often attempted to be urged against the progress of knowledge, even in a time of general ignorance—he meant the objection that education would prove a detriment to the poor. He purposely avoided using the term "lower orders," not from any deference to those who had so strenuously objected to it, and whose counsels and evil courses if they had been followed, would have made them low indeed. He knew not what rational objection there could be to the appellation. Sure he was, that the forefathers of those lower orders never found fault with it. That House (the House of Commons) was called the lower House of Parliament, but that term did not imply any degradation to the Commons; it was used as a term of distinction between that and the other House. So it was when the lower orders were mentioned; the term was used to distinguish them from those who were above them in the scale of society. God forbid that he should say any thing against the poorer classes of society, for what would the rich be without the poor? Where would the pyramid be without its base? To return to the question. It appeared that since the peace of Amiens, and in consequence of what had taken place at the French revolution, the education of the poorer classes was objected to by some persons in this country, on the ground that it would make a man a worse subject. This was, however, a modern idea. He could show, from historical authorities, that the education of the poor was by no means a novel object; but had been held in early ages, and by the wisest governments the best security for the

morals, the subordination, and the peace of countries. In France, in the year 1582, under the reign of Henry 3rd, the states-general met, and the noblesse of the day presented a petition to the sovereign, praying that pains and penalties might be imposed upon those who would not send their children to school; and nearly at the same time the Scotch parliament (perhaps the most aristocratical body then in existence) passed a law that every gentleman should send at least his eldest son to school, in order to learn grammar. In the 16th century, an order was made that all children should attend school, and that alms and charities should be refused to those persons whose children did not so attend. He had also seen a charter of king David 1st, dated in 1241, in which mention was made of various public schools in Roxburgh, now a small village. Another charter dated 1163, spoke of the schools of Stirling. Another in 1244, noticed the number of schools at Ayr; and a fourth, dated in 1256, made honourable mention of the praiseworthy manner in which the schools of other districts were conducted. Shortly before the revocation of the edict of Nantes, in 1680, the most intolerant period of French history, was founded the first society in the world, and, for a long time, the only one, for the advancement of education: its founder was the celebrated Père de la Salle, and the order was denominated "Les Frères des Ignorants," and their vow was the foundation of schools¹. That society had established numerous schools for the education of the poor. In 1724, which was also a most intolerant period, pope Benedict issued his celebrated bull, authorizing and encouraging the extensive establishment of places of education for the poor. In that bull the pope mentioned the example of the Père de la Salle, and expressed himself in the following words:—"Ex ignorantia omnium origine malorum, præsertim in illis qui egestate oppressi sunt, et qui elementa Christianæ religionis persæpe ignorant." A more accurate, a more scientific description of ignorance was never given, even by Voltaire, than that in this instance promulgated by the enemy of that great philosopher—by Benedict. He now turned to a different authority. From that of Père de la Salle and his Ignorantium brotherhood, from the advice of the pope, to whose bull he had alluded, he came to the evidence, in 1738, of the lieutenant of police at Paris; a man who was, perhaps, much more conversant than

¹ See p. 201, footnote, *supra*.

either with the effects of ignorance. That gentleman stated, that from the period of the establishment of the ignorantium schools in Paris, the expense of the police in the Fauxbourg St Antoine was reduced 30,000 francs annually. This was the evidence, be it remembered, not of a theoretical, but of a practical man. About the same time a remarkable circumstance happened in this country. In 1714¹, Mandeville published his "Fable of the Bees," condemning the charity schools of that day, because he said the children learned nothing there but to lisp "High Church and Ormond"; and in nine years afterwards the grand jury of the county of Middlesex thought fit to present him as a fit object for prosecution, and he was accordingly prosecuted for endeavouring to prevent the advancement of education and religious instruction, for irreligion, for decrying the universities, and for reprobating the instruction of youth. Thus, strange as it might seem, an impious man and an atheist at that time was occupying the ground since mistakenly filled (though only for a moment) by the pious and religious, who in our own day, worked upon by the false philosophy and evil consequences of the French revolution, had endeavoured to discourage the progress of knowledge. Mandeville charged the educators of his time with instilling principles of disloyalty, and an antagonist of Mandeville's, in a letter to lord Carteret, replied "I defy you to prove this; but, enter into any of the schools, and if you at any time find disloyalty inculcated, let the schools be pulled down." Now this was precisely his argument. He had heard that schools had been established in Lancashire and Cheshire, inculcating unconstitutional doctrines, radical doctrines; why then his advice was, if there were such schools, let them be shut up. He next came to the letter or circular of the pope, through the cardinal Fontana, to the Irish prelates, in 1819. In that letter was pointed out the poison, which was inculcated into the minds of the people from allowing them to read unauthorized versions of the holy scripture. The right reverend father said, with true philosophy, "it is not enough to prevent such works; in order to prevent your flock from being badly educated, you must yourself educate them well." This was undoubtedly the language which, as a pious man, and as head of the church to which he belonged, he ought to use. The pope went on to say, "in order to avoid the snares of the tempter" (and no man seemed to have

¹ See note to p. 202, *supra*.

a better knowledge of the use of schools; no man saw more fully the necessity of instructing the ignorant), "I beseech the holy brotherhood, through the bowels of Christ, to work day and night in the establishment of Catholic schools, in order to prevent the dissemination of improper doctrines." Now this was exactly his argument. Let them, in order to prevent bad impressions, inculcate those which were sound, and this was only to be done by education. He was happy to have such high authority with him on this point. The whole of this branch of his argument might be summed up in the memorable words of the great lord Bacon—"Lucis enim naturam puram," &c.—that the light of knowledge was in itself pure and bright, however it might be perverted and polluted by wickedness or imperfect instruction; and that the channels by which it poured in upon the human species ought to be ever kept open and undefiled.

He now came to a new topic. It had been objected that he (Mr Brougham) wished the poorer classes to be taught Greek and Latin and fluxions, and other knowledge which would draw them from the cultivation of the soil, and their various humble occupations. He really had no such wild project in his contemplation. He agreed with one of the wisest men that had ever lived, that to one of the rank to which he alluded, a knowledge of all the languages of the globe could not, in point of utility, be put in competition with an acquaintance with a single mechanical art. Milton, the most learned man of a learned age, endowed with many rare accomplishments of genius and of acquisition, in his small "Tractate of Education," had expressed himself in the following forcible and beautiful language:—"And though a linguist should pride himself to have all the tongues that Babel cleft the world into, yet if he had not studied the solid things in them, as well as the words and lexicons, he were nothing so much to be esteemed a learned man, as any yeoman or tradesman competently wise in his mother-dialect only."—Still however, he was persuaded that if a poor man had a little more education, it would be no bar to his industrious occupations. Without dwelling upon theoretical opinions, he would quote a practical authority of a remarkable nature, in a letter from Mr Gilbert Burns, brother to the immortal poet of that name, who though a self-taught man, would pass down to posterity with the name of his country; a man who had by his songs rendered that country dearer to its natives, as must have been felt by all those belonging to that country, who had

ever visited foreign countries. He would read an extract of a letter from the brother of that man to Dr Currie, and it was the more worthy of attention as the hand that wrote it had, half an hour before, been probably engaged in directing the plough. Mr Gilbert Burns in his letter, said, "I can say, from my own experience, that there is no sort of farm-labour inconsistent with the most refined and pleasurable state of the mind that I am acquainted with arising from a liberal education, thrashing alone excepted." He would here beg leave to observe, that the writer did not clothe his ideas in perhaps as fine or as roundabout a dress as would be used by some other gentlemen; he stated what arose in his mind clearly, but simply. He had, perhaps, been threshing shortly before, and had therefore felt the irksomeness of the employment. He went on to state, "That, indeed, I always considered an insupportable drudgery, and I think the ingenious mechanic who invented the thrashing machine ought to have a statue among the benefactors of his country in a corresponding niche with the first introducer and cultivator of potatoes. I maintain, moreover, that as the sort of dim religious awe is wearing off which used hitherto to guard the morals of the people in this part of the world, from a great variety of causes, men will go suddenly into an opposite extreme, if they be not so educated as to enable them to see the separation between the essence of true religion and the gross systems so often confounded with it." So much for his peasant. He came at once to the point; and he (Mr Brougham) wished that many other persons whom he knew would do the same. He would now call the attention of the House to the result of the inquiries that had been made upon this subject. It appeared from those returns that there were now educated at unendowed schools 490,000 children, and to these were to be added about 11,000 for 150 parishes from which no returns had yet been made. In the endowed schools 165,432 children were educated; making a total (exclusive of the 11,000) of 655,432. In England it appeared that on the average 1-14th or 1-15th of the whole population was placed in the way of receiving education. The Breslaw tables, on which the calculations were made in France, included children between the ages of 7 and 13 years, and represented one-ninth as the proportion of the population which required education. He had gone through the laborious task of checking those tables by the digests now before the House, which digests were

made up from the actual statements of clergymen, from the personal knowledge of their own parishes; and the result was, that instead of one-ninth being the ratio of children requiring education, as compared with the whole mass of the population, he found that it was nearer one-tenth. Now in England the proportion of those actually receiving education was only one-fourteenth or one-fifteenth, so that there appeared to be a considerable deficiency. Another deduction ought also to be made for the dame-schools, where 53,000 were educated, or rather not educated, for it amounted to no education at all, since the children were generally sent too young, and taken away just when they were competent to learn. He admitted, notwithstanding, that these dame-schools were most useful, on account of the regularity and discipline they inculcated. The average means of mere education, therefore, was only in fact one-sixteenth in England; yet even this scanty means had only existed since the year 1803, when what were called the new schools, or those upon the systems of Dr Bell, and Mr Lancaster, were established. Those schools were in number 1,520, and they received about 200,000 children. Before 1803, then only the twenty-first part of the population was placed in the way of education, and at that date England might be justly looked on as the worst-educated country of Europe. What a different picture was afforded by Scotland! the education there was in the proportion of 1-9th or between 1-9th and 1-10th. Wales was even in a worse state than England: at the present day the proportion was 1-20th, and before 1803, it was 1-26th.

It might be useful that he should state the condition in this respect of three foreign countries, France, Switzerland, and Holland; and he was happy to be able to do so, not from books, but from the assistance and information which had been generously afforded him by distinguished foreigners; among them he might mention the baron de Stael, the duke de Broglie, M. Cuvier (who had supplied the information regarding Holland), and the chevalier Laborde, at the head of the department particularly connected with this subject in Paris. The proportion in France at this day was one-twenty-eighth, but even this had only been produced by very recent improvements. In 1819, only 1,070,000 children of the population received education, but that number was greater by 200,000 than in 1817. In 1817 only one-thirty-fifth part of the population of France received education. In truth France was at that period in almost

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as bad a state in that respect as Middlesex, which, though the great metropolitan country [*sic*] of England, was, beyond all dispute, the worst-educated part of Christendom. No sooner had the defect been discovered in France, than the inhabitants set about to reform it, and, from the zeal with which the subject was undertaken, no less than 7,120 new schools had been opened, and an addition of 204,000, or the children of two millions of the whole population, had since 1817 received education—an example well worthy of admiration and of imitation. If they went on in the same way for ten years, there would not be an uneducated child in France. Regarding the state of Switzerland he had received much valuable intelligence from his well-known friend, Mr Dumont, in a letter written in a most beautiful hand, by his servant, who was from the Pays-de-Vaud, and had never received a single lesson but in one of the parish-schools. From this and other sources he found that in Switzerland there was twelve times as much education as in England, the proportion was about one in eight, and there was not above one person in sixty who could not read and write. In 1812, in Holland, according to M. Cuvier, there were 4,451 schools, educating 190,000 children, or one-tenth of the population.

Such were the general averages by which he thought it fit to preface his plan; and he would now take another, and not an uninteresting, view of the subject. He would state, in the first place, what was the amount of population in England wholly destitute of the means of education. He would take 600,000, as before as the number educated in endowed and unendowed schools, deducting the number placed in dame schools. To these he would add 50,000 for the children educated at home by private tuition; also 100,000 for such as were educated at Sunday schools. The latter received, indeed, in this way, a very small modicum of education; and, above all, they obtained none of the useful habits inculcated by the discipline of schools under the eye of a master, which was more beneficial to the child than that of a parent. The total therefore of the children receiving education was 750,000; according to which calculation no less than 2,000,000 of the population of England was left in this respect unprovided for; in other words, every fifth person was without the means of education; so that the condition of Switzerland was twelve times better than our own. The last view he should take of this subject was founded upon a comparison of the number

of parishes and ecclesiastical districts which had, and had not schools. There were about 12,000 ecclesiastical district parishes, or chapelries, in England; of these 3,500 had not the vestige of a school, endowed, unendowed, or dame; they had no more means of education than were to be found in the country of the Hottentots. Of the remainder, 3,000 had endowed schools, and the rest relied entirely on unendowed schools—of course fleeting and casual. In Scotland it was known that every parish, great or small, had one or more schools; some of them endowed, upon which were formed the bulk of those where the majority of the population was educated. Were he not afraid of fatiguing the House, he could show, as in a map, how education was spread over the country. The average of the whole of England being one-fifteenth, in Middlesex, it was only one-twenty-fourth, and if the dame schools were deducted, it would be only one-forty-sixth; and excluding this county from the calculation would lower the average of England to an eighteenth. Thus it was evident that Middlesex was three times worse educated than all the rest of England. Lancashire was next in the scale, where it was one-twenty-fourth, or very nearly half as bad again as the rest of England. In the four northern counties taken together, the average was one-tenth of the population; but in Westmoreland singly, he was happy to say, that it amounted to one-seventh. It was far from his wish to state any thing disrespectful of other counties, but it was his duty on this occasion to observe, that the proportion was extremely different in many districts. In the six midland counties, Buckinghamshire, Bedfordshire, Cambridgeshire, Northamptonshire, Hertfordshire, and Huntingdonshire, where lace-making was the ordinary occupation, and the great enemy both to education and morals, the average was one-twenty-fourth. A great deduction from the dame schools was to be made as respected these counties, in consequence of that occupation. In the eastern counties, Essex, Norfolk, and Suffolk, the proportion was one in twenty-one, and in Somerset and Wilts one in twenty-four. He had no desire to build any argument upon the connexion between education and the amount of poverty and criminality, without reference to all the circumstances and disturbing forces which formed such an essential ingredient in a calculation. Amongst these must be reckoned a vicinity to sea-port towns, the comparative density of population, and manufacturing habits. Making allowance for these obstructions,

the result would still answer as a practical exemplification of his theory. The average of the poor of all England was one-twelfth, exclusively of the northern counties, where the average was about one-fifteenth. In Westmoreland and Cumberland, the counties in which the population was twice as well educated as in any other part of the country, the proportion of poor was but one half of what it was elsewhere. He held in his hand a table of the number of commitments, with reference to the population of each county, for the last ten years. That number, estimated for all England, was in the proportion of one in 1,400, but in the northern counties was one in 4,200, and in the midland counties one in 2,100. In Westmoreland the numbers committed for crimes varied but little for the last twenty years, and this was a matter of little surprise; they were not to expect miracles from education—education enlightened the people—it did not immediately remove them from crime.—They must mix with their fellows—they must wait for the gradual improvement which time brought about but if, notwithstanding the disturbances of late years, if the number of committals did not increase, he thought he might rely on the fact as affording a proof of the salutary and permanent effects of education. It was surprising to find how the proportion of those who received education without paying for it varied in different districts. In the four northern counties the number of children educated free were 16,300; those who paid were 37,000. In Westmoreland, out of 2,700, only 48 were educated free. In the six midland counties 18,000 paid, 20,000 were free. In Wilts and Somerset 11,000 paid, 16,000 were free. In the three eastern counties 24,000 paid, 30,000 were free. Now in Scotland, which was again pre-eminent in this instance, although all the children were educated, there was scarcely one whose parent or friend did not pay something for it. In Scotland there was hardly such a thing as gratuitous education. If in drawing up the returns for that part of the king's dominions, the paper of two columns had been sent under the heads of "Paid" and "Unpaid Schools," the return to the "paid" would be *nil*.—Even the peasants took care to provide means for this purpose; and we in this part of the empire might well envy Scotland the possession of such a peasantry. We might also be assured that there was no way of getting rid of the poor-laws, and of their increasing evil, except by a restoration of those wholesome and independent feelings which

England once had, which Scotland still had, but which she would not long continue to have, if the poor-laws were extended to that country.

He might here point the attention of the House to a digest of the reports of the Scotch clergy on this subject, as one of the most admirable and affecting documents which had ever been submitted to their consideration. In that might be taken a correct view of the character of the people; in that might be found manifested, in a thousand ways, the zeal and earnestness of parents in procuring instruction for their children. The children of the poorer classes worked half their time, and their earnings constituted a fund, not, as in other places that should be nameless, where the sweat of their brow was imposed to support the dissipation, or gratify the impure desires of their parents; not to be wasted in drunkenness and debauchery; but to be carefully reserved as the means of obtaining education. Scotland was not a land where many visionaries or speculators were to be found. Metaphysically as some of its inhabitants were inclined, they had an utter contempt for every thing that did not promote their own real and substantial advantage. It was for this he praised them. His praise of the Scotch was, that they knew and followed what was their real advantage, and that they did not see the advantages of vice and ignorance. Their youth were not brought up in vice or idleness, but in persevering and industrious habits. The clergymen said, that the poor people who could not afford to keep their children all the year at school, kept them at work for the summer, and with the amount of their wages, which seldom amounted to more than 20 shillings, they sent them to school in the winter, at that invaluable period of life when mind, as the Roman poet said, "might be fashioned like wet clay." In Scotland there were parishes fifteen miles in length, and six in breadth. It was easier for an adult to go to church than for a child to go to school in such cases. But what was the expedient suggested by their zeal and ingenuity? The schoolmaster was taken into houses successively, and was boarded in remuneration for his trouble in teaching the children. Scotland was not remarkable for abundance of animal food, but the parents gave him some kind of subsistence, probably better suited to their means than to his appetite. There was a curious similarity in this respect between that part of the kingdom and the south of France. It was observed, in a report of the French commissioners, that "happy was the

schoolmaster who lived in the rugged districts of the Pyrenees; there he was at least sure of not dying of hunger, for the people having no money, boarded him by rotation." Such was exactly the state in the Highlands, in what he would call the Pyreneean parts of Scotland. He would join these poor people in preferring the humble and pious prayer of their clergy for the love of God to grant them more widely the means of education; for the love of that religion which their Divine Master said was preached for the rich as well as the poor, he implored parliament not to be stingy on this branch alone of their internal administration, and not to limit to an annuity of 10*l.* the stipend of the teacher who was to assist in this good work.—It was probable that if they did, some persons would be found to contrast their ill-starred economy on this point with their profusion upon other projects. The money which had been thrown away on the Caledonian canal would have educated half of England, and the whole of Scotland.

He had now no further statements to offer to the House, and would therefore proceed to lay before them, as shortly as he could, the principal heads of that plan which he felt himself justified in recommending. If this plan had been struck out in a heat, if it was the offspring of mere theory, a creation of fancy, or the adaptation of a system established elsewhere to the state of this country, as, *mutatis mutandis*, an act of William had endeavoured to extend the parochial system of England to Scotland, criticism and opposition might well be expected. But he entreated every honourable member to believe, when any objection presented itself to his mind, that it had previously occurred to the committee, had been well weighed and fully considered, both by himself and the hon. members whose assistance he had enjoyed. Had it been otherwise, indeed, the plan could neither be rational, practicable, nor feasible. He was sure that the length of time which had been employed in the considerations and inquiries of the committee evinced their sense of the importance and difficulty of the task which they had undertaken. There was no part of the plan that was not warranted by the information which had been laid before the committee. Queries had been propounded upon every leading branch of the inquiry—witnesses had been examined on every material point, and the benefits of their united wisdom and experience brought in aid of the deliberations of the committee. The plan in question was divided

into four branches, and referred in the first place, as might be supposed, to the foundation of schools. In the second place, it related to the appointment and removal of masters; in the third, to the admission of scholars, and their mode of tuition; and in the fourth, to the improvement of old education endowments. The first thing naturally to be considered was, how to plant the school; the second, how to procure a proper schoolmaster; the third, what he was to teach when procured; and the fourth, how to relieve the country of part of the expenses necessarily attendant upon the plan, by making the old endowments in some measure available. He proposed to rest the authority of initiating proceedings in four different classes of persons, and that the tribunal for determining and adjudicating on the subject should be the quarter-sessions. The ecclesiastical division of districts was that which he had adopted, and the first class of persons to whom he had alluded was the grand jury at the Easter sessions, to proceed either by finding a bill of indictment, or presentment of their own. Upon this, he submitted, that the case ought to be triable in the following sessions. The matter of complaint should be either that there was no school within the district, or none in the adjoining districts sufficiently near to be available to the inhabitants of that district, or that there was only one school where two were necessary, or three, in the case of very extensive or populous districts. Beyond this he did not go; it was right some limit should be set, and when there were three schools in a parish a great deal would have been done. Evidence might then be heard, and the question determined at a special or school sessions; no *certiorari* or writ of error being allowed. The second class of persons entitled to apply was, the rector, vicar, perpetual curate, or actual incumbent of each parish, with a power of uniting two parishes or chapelries together, and making the application jointly. In the third place, his plan would enable any two justices acting for a division in an ecclesiastical district to prefer similar complaints; and, in the fourth and last instance, would confer a like discretion on any five resident householders. Notice was to be given and affixed to the church-door in such cases, for the period of a month before the first day of quarter-sessions; two chapelries or parishes might join in the application, four householders of each parish or chapelry concurring; the parish officers were obliged to defend, at the request of five householders; an estimate of the expense of the

school-house and garden was to be furnished; the education digest and population abstract were to be given in evidence, but liable to be rebutted; costs of the application were to be allowed; no appeal or *certiorari* was to be allowed; the salary of the schoolmaster should not be less than 20 or more than 30*l.*—This last point he was aware might stagger some persons, and he begged them to believe that he had not fixed so low a sum without mature consideration. It might be objected, that this was a great deal too little; but he did not wish for sinecurists, or to take from them the desire of obtaining day scholars. He deemed it important that they should find their own interests immediately concerned in this particular. It was in fact important, and it was his great object, that whilst measures were adopted for bringing education home to the doors of all, that all should still pay a little for it. He was desirous of seeing the instructor live by his art, and obtain some remuneration for his pains, and the advantages which he communicated, from each of his pupils. He, however, allowed a power of increasing the salary with the concurrence of two-thirds of the householders paying school-rate; the absent proprietors voting by agents. He could anticipate that there might be cases in large parishes, such as those of Liverpool or Manchester, where it might be an object of great public importance to secure a schoolmaster of superior talents at a higher salary than 20 or 30*l.*—such men as Joseph Lancaster, had he continued industrious in his vocation; and in mentioning him, although he lamented his errors, he could not but express his sense of the great service which he had rendered to society. With this view he proposed, in the first instance, that the order of sessions for the master's salary should be a warrant to the parish-officers to levy it half-yearly; and 2ndly, that the inhabitant householders might, at a meeting with one month's notice, and consent of the resident parson, increase the salary when the office was vacant, provided that two-thirds of such inhabitants concurred.

He now came to the delicate question of how the expense was to be defrayed; and he was quite sure that no country gentleman would complain of the small additional burthen of a few shillings, or even of a pound a-year, which would be imposed upon him as his quota for the maintenance of a schoolmaster; for in a very few years he or his son would experience a diminution of the parish rates

brought about by these very means. The expense of building the school, however, ought not, in his opinion, to fall upon the country gentlemen, but upon that part of the community—those engaged in manufactures—who, whilst they increased the objects of the poor-rates, contributed but little towards them. He should propose then—but here he almost trembled whilst he spoke, for he saw the right hon. the chancellor of the exchequer, was becoming uneasy—the lion of the Treasury was roused—but he should propose that the money be advanced, in the first place by the treasurer of the county, provided that it did not in any case exceed 200*l*. This sum might, however, be deemed too large or too small for the purpose, and he was perfectly ready to acquiesce in some other estimate. This sum, whatever it was, he proposed should be replaced out of the consolidated fund in the hands of the receiver-general of the land-tax, and that the commissioners of the treasury should direct it to be paid on seeing the order of sessions. The digest was, indeed, filled with complaints of the evils that arose from having schools in very large houses, by which the original object was destroyed. He was for making them nothing but school-houses, in the strictest sense of the word—buildings, where the master and his wife, with a guardian to assist him, might reside, but in which no boarders should be admitted. He looked upon the schoolmaster to be employed in an honourable and useful capacity—so honourable, that none was more highly to be esteemed, if the individual were faithful in the discharge of his duty—so useful, that no man, he believed, effected more good in his generation than a good parish schoolmaster. That class would not, however, be offended when he observed, that they moved in an inferior station of life—and, their circumstances being contracted, to eke them out they were glad to practise a little land-surveying, or a little conveyancing. The more conveyancing they undertook, the better it was for the profession to which he belonged; for their labours in that line generally brought plenty of grist to the mill in Westminster-hall. Sometimes they only occupied themselves in copying conveyances, which was a more harmless pursuit, and they were generally assisted by their pupils in that innocent amusement. In aiding in the correspondence of the fair, there was often employment for the epistolary taste of the village schoolmaster. Every man who read the Digest, must see the necessity of watching, with the greatest vigilance, the mode in which the building of these

schools was contracted for, and carried on. With this view, it was intended that no parish officer should be employed in building a school; and where land for the purpose was purchased from persons in that situation, that the county surveyor should be called in to inspect it, and to report on its value. The public should be answerable for the sum expended in building the school, but the salary of the schoolmaster was to be defrayed by the county. The outfit was placed to the public account, and the salary was made a local matter for the best possible reasons. In the first place, individuals possessing local information could best decide on the amount of salary that should be given; secondly, rendering the payment a local charge was useful, inasmuch as it established a certain degree of control over the schoolmaster's conduct: and thirdly, that the charge ought to fall only on those parishes or districts that had not already voluntarily provided the means of education. If, for instance, it should happen, that a parish was without any school (as that in which he resided in the country actually was, though it also happened that in that parish there were no children, at least none who were not educated at home), if the present inhabitants paid no master, and their ancestors had not had the grace to found one, it would be hard that the inhabitants of the next parish, who had a school, should be obliged to pay to make up for their neighbours' neglect. But the building might reasonably be paid out of the general fund, as well for the reasons which he had before stated, as because it might form an impediment to the establishment of the schools, because the householders, to whom the power was left of making an application for a new school, might be deterred from doing so by the apprehension of being called on at once for a considerable sum. It would be found that all the four classes of persons alluded to in the digest were landholders; and though they would not be willing to pay the 30*l.* or 40*l.* towards the outfit, they would have no objection to lay down the 20*s.* or 30*s.* for salary. He stated these points, as drawn from the digest, to show that they were all facts deduced from experience, and not depending on theory. Parish-officers, it would be provided, might summon a jury to assess the value of any land or house that might be taken, whose verdict should be final. It was intended that the warrant for levying the master's salary should be issued half-yearly. Another provision was, that the inhabitant householders might, at a meeting

regularly convened, after one month's notice, and the consent of the resident clergyman, increase the salary of schoolmasters, when the office became vacant, by a sum not exceeding 20*l.*, provided that not less than two-thirds of such meeting concurred. Proprietors of above 100*l.* a-year might vote by their agents at such meeting, being duly authorized in writing.

They had now the school planted and endowed, and the next step was to put in the schoolmaster, which was one of the most important parts of the whole system. The appointment and the removal of the master were distinctly provided for; and those provisions he would state to the House, rather than send gentlemen to examine a bill, which was very rarely read by those who were directed to it. In the first place, the master's qualification must appear from the certificate of the clergyman, and of three householders of the parish in which he had resided for twelve months; or from the clergymen and two householders of two parishes. He should not be less than 24 years of age, nor more than 40. The youth of some masters and the advanced age of others, had occasioned great evils. He believed that boys of 15 and men of 70 had knocked up more schools than any other cause whatever. He must be a member of the established church, and have taken the sacrament, in testimony of that fact, one month previous to the election. It was provided that parish clerks should be eligible to the office. Without that specific statement they would have been eligible; but it was thought right to mention parish clerks particularly, as it would be a hint that that body were the best calculated to fill the office of schoolmasters. That ancient but now degraded body, the parish clerks, in the older and better times of the church, were viewed in the light of minor spiritual assistants. Even now, in Catholic countries, they were so considered. They were one of the five minor orders of the Catholic church, amongst whom were the *ostuarii*, the bell-ringers, &c. Our parish-clerk, however, filled a more respectable situation; but the office of late years had fallen so much into decay, that some of those who were appointed to it pursued the very lowest occupations. He recollected one of that fraternity, who, to procure a livelihood, went about singing, or rather disturbing the slumbers of the neighbourhood, if not depressing the spirits of those who did not sleep. In truth, he could not say that his voice was remarkable for its sweetness, or the

ditties which he poured forth remarkable for their elegance. Having refreshed the parishioners in this manner, the worthy man regularly proceeded to refresh himself—and, for the most part, it was necessary to carry him home. These were his nightly amusements—his occupation during the day was mole-catching. On Sunday he appeared in church, reading—not indeed with a distinct voice, but as audibly as he could, and as fast as his abilities enabled him to read—that part of the divine service which was allotted to him. He (Mr Brougham) was not very squeamish about these things; but he thought when he witnessed this exhibition (and it was a long time ago), that it was a very undignified mode of performing a religious service. He thought it would be a great advantage, if, by the proposed alteration, a better class of men were placed in the situation of parish clerk, which must be the case if they hoped to combine with that duty the duty of parish schoolmaster. In Scotland, the sessions-clerk, who was connected with the church, was very frequently the schoolmaster.

He now came to the mode by which the schoolmaster was to be elected. 1st, a meeting was to be called, by notice, posted on the church-door a month before the election of inhabitant housekeepers, rated to the school rate. They were to assemble in the church between 12 and 3 o'clock. 2nd, Proprietors of above 100*l.* a year might vote by their agents, authorized in writing for that purpose. 3rd, The senior parish-officer to preside, and have a casting vote, in case of equal numbers. And here he requested the House to observe how he had united and knitted the system with the Protestant establishment. The senior parish officer was to read the certificates, and to declare by letter, to the resident parson, on whom the choice of the meeting had fallen. He, doubtless, would here have the church with him, but he feared that the sectaries would be against him. It did, however, appear to him, that the system of public education should be closely connected with the church of England, as established by law. He stated this, after the most mature consideration; and he was anxious to make the statement, because on a former occasion he did not go quite so far as he now did. He had then abstained from going so far, because he dreaded the opposition of the sectaries. Their argument was, "You are making this a new system of tithe. You are placing a second parson in each parish, whom we must pay, though we cannot

conscientiously attend to his instruction." He had bowed to this position; because there was certainly some justice in it; but, when he came to compare it with the inestimable advantages of a system that would secure the services of such a body of men as the established clergy—when he looked to the infinite benefit that would arise from having the constant, the daily superintendence of such a character as a well-educated and pious English churchman—when he became sensible, as he soon did, how much the durability of the system would be increased by giving it that solidity, that deep root, that wide basis which no new system could possess or acquire without being grafted on an old stock, so as to infuse through the feeble and fickle graft all the strength that was imbibed, and only could be imbibed, through a long course of ages, in which that stock had flourished—he felt the full force of the argument, as opposed to that advanced by the sectaries; and if no other argument could have been adduced, that which he had stated was sufficient for him. But there were two other satisfactory reasons which he would state to the House, for connecting the system intimately with the church establishment. In the first place, a religious education was most essential to the welfare of every individual. To the rich it was all but every thing—to the poor, it might be said, without a figure, to be every thing. It was to them that the Christian religion was especially preached—it was their special patrimony; and if the legislature did not secure for them a religious education, they did not, in his opinion, half execute their duty to their fellow-creatures. What would give them the chance that this system of education would be a religious one, was placing it under the control of those who taught the doctrines of the church. Another consideration was, that the church had a direct interest in promoting a religious education. The clergy were the teachers of the poor—not only teachers of religion, but, in the eye of the law, they were teachers generally. It was true they could not be compelled to teach, but they did teach as far as their means allowed them. Their labours in the other parts of the vineyard were, however, too extensive to admit of their cultivating this portion of it to any considerable degree; and therefore it was necessary that they should have assistants to act under them. What then could be more natural than that they should have a control over those who were selected to assist them? He might almost say, that a parson was a clerical

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schoolmaster, and a schoolmaster was a lay-parson. This was his view of the subject, and the plan he now detailed to the House was founded on that view.

There was one other consideration which induced him to adopt the principle he had stated. Let the House look to the alacrity, the zeal, the warm-heartedness, which the established clergy manifested for the education of the poor. They did not wait till these numerous statements, filling 2 large volumes, were placed in a more palatable and more digestible shape before the House; but they at once declared their anxiety for the dissemination of education amongst the poor. The names of those individuals were contained in the Digest, certainly against their will; for some of them had not scrupled to blame the conduct of their neighbours. But they overcame any reluctance they might have felt on that head, anxious only for the better education of the poor; and their letters on the subject were now before parliament. In those letters they declared that blessings would be poured down on parliament if they carried into effect a religious system of education, which they expressly declared to be the most effectual barrier against the prevailing vices of the time. These were the persons whom Providence had appointed to assist in this great work of educating the poor. Should they then, to overcome the scruples of a few individuals (he said a few, for many of the Dissenters, he was happy to say, supported the opinions of those who approved of the system)—should they, on account of the scruples of a few, do away all chance of success in this great undertaking, and forego the benefits of this excellent measure, by rejecting such assistance—by turning their backs on the clergy of England, whom Providence had raised up to give strength and stability to the plan? He would say, No. And he had not the least doubt when the Dissenters themselves understood the nature of the measure, that their repugnance to it would be removed.

But to proceed with the point respecting the election of the schoolmaster. The 4th provision under this head was, that the parson might, upon the examination of the successful candidate, reject him, and direct the parish officers to issue notices for a new election. The parson had here a *veto*—not a nominal, but a real and effectual *veto*. This would in a great measure prevent any improper person from offering himself at the period of the election.

If such a power did not exist, the appointment might become a mere matter of canvas, and persons not suited to the situation might have a majority. As, in ordination for the church, the bishop had a right to report a candidate for orders *minus efficientis literaturæ*; so, in this case, he would allow the parson to pronounce on the qualifications of the candidate for the situation of master. The next head was that of visitation. The first regulation was, that the bishop of the diocese from time to time, as he might think fit, might visit the school by himself; secondly, by the archdeacon; thirdly, by the dean, within the limits of the deanery; and, fourthly, by the chancellor. The visitor might, in the fifth place, remove the master, who might appeal from the subordinate visitor to the ordinary, and from the ordinary to the metropolitan; all of whom were to act not as courts, but to decide privately on the appeal. This latter regulation might be objected to. He had at first entertained doubts of its propriety, but, by the ancient law, the visitor was privileged to decide privately; and he felt that it would be extremely dangerous to introduce an innovation, without absolute necessity. He had therefore adhered, in this regulation, to the spirit of the ancient law. 6thly, The visitor (subject to the appeal before mentioned) might direct the master to be superannuated, with a pension not exceeding two-thirds of his salary, after a service of 15 years' continuance. As no individual would be eligible to the situation after the age of 40, it was evident by this regulation that he need not remain in the situation after he had become too old to perform its duties. 7thly, The diocesan to make yearly returns of the names of masters, the number of children under their care, their salaries and average emoluments, with any remarks that might occur to him; power being granted to him to apply to the parsons for such information as they might possess. This provision was similar to that contained in the Clergy Residence acts (43 Geo. 3rd, cap. 84 and 57 Geo. 3rd, cap. 99). The diocesan, under these acts, returned annually the number of non-resident clergy, and the object he (Mr Brougham) had in view would be obtained by the introduction of an additional column to the return, in which might be inserted the state of the schools, &c. in the diocese. 8thly, The parson to be allowed at all times to enter the school and to examine the children. The Dissenter might say, that he would be obliged to support this establishment, though he never

could be prevailed on to send his child there. He, however, as the House would presently see, had taken care, in the formation of this measure, that none but very squeamish Dissenters indeed would refuse to send their children to these schools.

The school was now planted, endowed, and the master appointed; and they consequently came to the admission of the children. The first regulation, on this point, was, that the parson, with the parish-officers, as assessors, were, on the appointment of each new master, to fix the rate of quarter-pence—which was to be not less than 2*d.* nor more than 4*d.* per week. 2ndly, This rate to be, in all cases, 2*s.* per quarter, or 2*d.* per week, for the children of persons receiving parish relief. If their parents could pay this small sum, so much the better. If they could not, he was sure the parish-officers would defray the expense; since he believed most of them felt that education was the surest means to check the growth of pauperism. Between those who were thus paid for, and those whose parents defrayed the charge, he would allow no distinction to be drawn. If there were a line chalked across the schoolroom, indicating that on one side of it there were gentlemen who paid, and, on the other, paupers who did not pay, it would be attended with the worst moral effects. He never would suffer the spirits of poor children to be beat down and broken by such a distinction. He would always, on the contrary, store their minds, as much as possible, with the seeds of independence. 3rdly, The parson, with the parish-officers, as assessors, might direct the master to admit certain children gratis; but no other distinction whatever to be observed respecting such children, or pauper children. 4thly, Parents to be allowed to agree with the master for extra hours, or extra tuition, as they might think proper.

The next head, under this branch of the subject, was the mode of education to be adopted. With reference to this part of the plan, it would be proposed, 1st, That the parson, at each new appointment of master, should fix the course of teaching according to the state of the parish. He should also notify the times of vacation, not exceeding twice a year, either a fortnight at each period, or a month at once. The regulation on this point to be fixed in some conspicuous part of the school-room. 2ndly, The Scriptures alone to be taught, the parson fixing, if he pleased, the passages to be rehearsed from time to time. 3rdly, No other religious book to be

taught, nor any book, without the consent of the parson—nor any form of worship to be allowed in the school, except the Lord's Prayer and other passages from the Scriptures. With respect to this provision, he hoped he should not have the church against him here, as he had the Dissenters against him on other points. But he conceived the church had no right to complain when the Lord's Prayer and the Ten Commandments, which were so intimately connected with the Christian religion generally, and which contained doctrines that were not the subject of dispute, were to be repeated in the school. It was not necessary that the schoolmaster should teach any particular religion. It would be much better to leave the children to their Bible alone. It was, in many parts, a much better school-book than any other. Now, so long as nothing but the Bible was taught, it appeared to him that no sectary could refuse to send his children to one of these schools. He did not wish to exclude them—he would much rather invite their attendance. 4thly, The children to attend church once every Sunday, either with their parents or with the master. Dissenters to take their children to their own churches or chapels. To take the children to church once in the day he conceived to be sufficient. When they became adults, they might go twice on Sunday,—the oftener the better; but when children spent four hours at church, they naturally became tired of it. In his opinion, it was not a good plan to keep children more than an hour and a half at religious worship, on the day set apart for it. It was not the proper way to make them love and respect it. Let them go to church in the morning, and let their evening be devoted to that innocent play which was most congenial to their age. With respect to the children of Dissenters going to their own churches or chapels, it was nothing more than was just and proper. Of course, no conscientious Dissenter would allow his child to go to a Protestant church, any more than a Protestant would suffer his children to attend the service of the church of Rome. He had heard it said "Compel all children, Dissenters and others, to go to church," and those who gave this advice founded their opinion on a passage in the report of a committee, before which the rev. Mr Johnson was examined. That eminent man, who came from that part of the country which was proverbially well educated, was diffusing in this country the benefits which, at home, he saw derived from the extension of knowledge. His school, in Baldwin's-gardens, the central metro-

of failure, total or partial, in the object of the charity. And 5th, the necessary checks to operate on the whole of the four preceding branches. What he was about to state was founded on the Education Digest, and the report of the commissioners on charitable foundations; and here he took the opportunity of amply acknowledging the beneficial labours of those who had collected such materials. He thought it right to state this, because he did not augur so well of them when they commenced their functions. He perhaps was not wrong in exercising a fair jealousy on that occasion, since it seemed to be beneficial to have the eyes of a vigilant public narrowly directed to watch their proceedings, not with respect to their integrity, but their activity. He would not use the word "retractation," which according to the hon. member for Galway no gentleman could use, but he made this concession, which was all an honourable man could be called on to make. With respect to the latter branches of the bill, for supplying the defects of trusts, it was proposed, first, that where the number of trustees was reduced below the *quorum*, the remainder should be allowed to fill up the vacancy. The second provision for supplying defects in trusts was, that, where all the trustees were gone, the founder's heir at law should name trustees. The third was that where no heir at law was to be found the visitor should name trustees. The fourth, where there was neither visitor nor heir at law, that the legal estate, if above 5*l.* a year, should be vested in the clerk of the peace, to administer it under the order of the quarter sessions. And the last provision under this head was, that where there were no trustees, heir at law, or visitor, and the estate was below 5*l.* a year, it should be vested in any three of the charity commissioners.

The next general head was the mode of enabling trustees to improve the administration of their funds. This was proposed to be done—1st, by giving them powers to sell, borrow, or exchange, or by borrowing for the purposes of repairing, or improving their revenue by new investments, of paying their debts, &c.;—2nd, by making all papers for conveyances or receipts free from stamps; and here again his bill came into contact with the right hon. the chancellor of the exchequer's province;—3rd, by enabling the receiver of the county to hold the money arising from sales, &c., until invested; and, 4th, by a declaratory clause, that no trustee should be a party beneficially interested in the purchases, sales, exchanges

or loans already mentioned. It might be thought extraordinary that such a clause should be necessary. It was not occasioned by any opinions of the lord chancellor or of lord Kenyon. But ignoramuses who had never seen a law-book had pretended to quote the authority of the greatest lawyer that was ever in this country—he meant lord chancellor Eldon, for an absurdity of this kind, and therefore he had introduced this declaratory clause.

The next general head, in this branch of the subject, was that for enabling trustees to improve the application or disposal of their revenue. Under this head he should propose two declaratory enactments to secure the intentions of founders, and two enacting clauses for altering the laws of the foundation in order to effect their obvious object. The first declaratory enactment was, to allow trustees in all cases to contract with the master of a grammar school to teach reading, writing and arithmetic, by himself, or assistant, on the same terms as in the ordinary schools. With existing masters it would be voluntary, so that vested interests were not to be touched. But on all masters hereafter appointed it was to be binding. But the dignity of the master would be saved by allowing him to teach inferior branches by an assistant, and the expressed object of the foundation would be effected by the master teaching the same branches that were now taught in grammar schools. The second declaratory enactment was, to enable trustees to make the number of children, now limited and not confined to grammar, unlimited, and to limit or prohibit the taking of boarders. Here it appeared strikingly true, as stated by lord Kenyon, in the 6th volume of the Term Reports, how shamefully the intentions of founders were perverted¹. In many instances the master did nothing but receive the salary, so far as the foundation was concerned, while he kept 50 boarders at 100*l.* each. The salary in many instances was no more than 50*l.*; but even if it were 100*l.*, the schoolmaster would willingly give it to the poor if they pleased, his wish being only to have the situation of master of the endowed school and the house. In some places there were but 20*l.* for a library given to the master, but then the sum was unlimited for repairs. In one instance, where only 10*l.* were paid for rent, 401*l.* were paid for repairs and taxes. The object was, to drive away as much as possible the poor from the benefit intended for them. The master was quite ready to teach them, but

¹ *Term Reports*, vol. vi. p. 490; see p. 180, *supra*.

he was bound only to teach Latin and Greek, and nothing else. "My school," he would say, "is open, but then I can teach you only Latin, Greek, and, if you please, Hebrew." The children of paupers and beadsmen might thus be taught Hebrew roots, and the *paulo post futurum* in Greek, but they could not be taught reading, writing, or arithmetic. The schoolmaster gained all the benefit. Let him have the benefit of boarders, and gain 5,000*l.* a year elsewhere, but let him not occupy the situation of another, who should be bound to teach English; or let him retain the name and the place, but let his *ostiarius*, or usher, teach the inferior branches, while he taught Latin, Greek, and Hebrew. In many cases those grammar-schools were expressly founded for paupers. But paupers were said to be persons in easy circumstances. He would not enter into any discussion respecting the universities, that *multum vexata questio*. But when the poor were mentioned every man at once saw that men of easy fortunes were meant. It was, indeed, less obvious, that poorest meant the same class of persons; but when it was recollected that poor meant affluent, it might be inferred that poorest meant the most affluent. Possibly those who were poor at the time some of the establishments were founded, might, as things stood at present, be regarded as persons in easy circumstances. But the case was not left in any state of doubt by the will of several of these benevolent founders. For instance, in the establishment at Lewisham the founder distinctly prescribed the education of the poorest children, and on other foundations the provision was specifically for the children of the poor in alms-houses, while in others the provision was for the children of persons in low estate involved in distress, or hardly having the means of common sustentation. In others, too, it was directed, that the children of parish paupers should be educated. It would be allowed, that these at least were not the terms best calculated for conjuring up to our idea the affluent, and those abounding in every luxury, clothed in purple, and cloth of gold. In the times when those endowments had been made the poor were taught Latin; but not in the sense now attached to that part of education; they were taught Latin for the church service. This was well known to have been necessary in Catholic times, for the priests were taken from the lowest orders of the people. It was true there were then barons, fortified three deep in castles; whose daughters were almost royal, for often they were married to

sovereigns; who while they sent their eldest sons to the army, designed their youngest sons for the church. The avowed reason was, that they might pray for the sins of their father who had just returned from, and their brethren who had just gone to the wars; but another consideration was, that they could generally obtain a *commendam* of 10,000*l.* a year. Thus was one branch of the church supplied. But the vast majority of those who belonged to the clergy in those days were the sons of the poor; he meant the monks of all orders; and hence the necessity of having the children of the poor instructed in the Latin language in endowed schools. Had the pious founders of those schools foreseen the light of the reformation which was afterwards to dawn upon the world, they would indeed have hated it, because they were ignorant of its advantages; but, had they foreseen and understood the value of that greatest revolution which ever blessed mankind, they would not have confined their endowments to the teaching of Latin; but would have required the English to be taught as the language in which religion could be taught. To his mind it was conclusive that they would not have neglected the language in which church service was to be performed twice every week.

Let it not be said that grammar-schools would thus be degraded into parish schools; he held in his hand a list of 200 endowments, with calculations of what they actually did, and what they really could do by the improvements proposed. Here again he was obliged to have recourse for illustrations to the north. In Cumberland there were 8 schools, of 500 boys each, at an annual expense of 292*l.* In 16 other counties there were 101 children educated at an expense of 3,123*l.*; the average in the first case being 11 shillings and sixpence for each child, and, in the others, 30*l.* 19*s.* for each. Thus 5,246 children could be taught in these schools, on the Cumberland average. It was practicable, upon a proper plan, to educate 35,000 children, in 100 schools, at an expense of 2,500*l.* a year. Economy was with him but a secondary consideration in the proposed bill; but if they regulated well the funds already provided, they would introduce much economy into the system of education. His principal object was to regulate these schools, and connect them with the parish schools.—This he would do without degrading the head master from the rank of a gentleman, because he would have the inferior usher to teach the lower classes in the school. This would

have a most desirable effect, inasmuch as it would open the door of preferment to the parish schoolmaster, and raise that class of men above their present condition, by raising their emulation, and instigating them to acquiring that knowledge which would fit them for higher situations. It would be an advantage analogous to that which existed in the church. Many persons objected that in the church one individual should have 20,000*l.* a year, while another laboured for 50*l.* a year; but the good must be weighed with the bad, and this good would be found in the disparity of income, that, by how much 20,000*l.* was superior to 50*l.*, was the character improved and the class raised of the persons who had only 50*l.* but who had a prospect of obtaining 20,000*l.* Mr Burke had said of this variety of orders in the church,—he begged pardon for referring to a writer whose very words he could not recollect, but from whose words no variation could be made without loss to the force and illustration of his meaning,—but Mr Burke had said, that the church ought to rear her mitred front in courts and palaces; and this, he said, was necessary, not for the sake of the mitred heads, but for the sake of the people; the poorest of whom was interested in the character and talent of the clergy of all orders. For the same reason he was for establishing that principle with respect to schools. No means could be so effectual in raising the character of parish schoolmasters as to make it common property between a parish school and a grammar school. This was the kind of reform which Mr Burke had recommended as the most useful and the wisest; as tending at once to preserve and to improve; so he (Mr Brougham) was for rejecting only what was bad in the present system, and for improving what was good; and thus to obtain, with the life and vigour of a new institution, the sanctity and veneration of the old.—Among the provisions of his bill he meant to propose, that where any charitable establishment, originally designed for boarding, lodging and clothing, as well as for educating poor children, was found deficient in funds, those establishments should, if necessary, be confined to education alone. For it was no part of his views to establish hospitals for the children of paupers, by making a provision to board, lodge, and clothe them; such establishments indeed were, in his judgment, but too much calculated to remove every salutary check to an over-abundant population, and therefore ought to be deprecated. There was no worse charity than that for clothing and

boarding. It was a premium for the neglect of prudence and frugality. The town of Bedford was an instance: for 30,000*l.* a-year were so employed there, and yet Bedford was overwhelmed with paupers. It was infinitely better to let children be fed and clothed by their parents. Hospitals for children were but nurseries for population, and contributed more than any other means to derange the regular course of population, and to counteract the principles of the soundest political science, especially in the encouragement which they afforded for improvident or careless marriages. He wished to promote instruction by every possible means, but by no means to countenance such injurious establishments. The next provision in this department was for enabling trustees to treat with the ministers and parish-officers, or two justices of the peace, for having the children permanently taught in the parish school, where the founder had designed that they should be taught in other schools, but that design had been frustrated by the inadequacy of the funds. Another part of this provision was, that where no endowed school was found, the funds should be applied in aid of the parish school. In both these cases, the founder's name was to be placed conspicuously on the outside and on the inside of the school-house. If all parties agreed that an endowment-school should be put on the same footing with the parish-school, no objection could be made to that arrangement; and the master might be rejected in such a case who was not approved by the parson. The last head of all was that where there was a failure of the objects of the trust. This failure was in many cases total; in others it was partial. There were now 4,500*l.* a year belonging to the Tunbridge school, and a decree had been made to that effect, but 500*l.* a year was twice as much as was wanted for that school. The superfluous 4,000*l.* in this case, would, according to his plan, be sufficient to provide for the support of 200 schools, which would be quite enough to educate the poor children of the whole county of Kent. In order to remedy all such failures of the objects, he proposed to give power to trustees to appeal to the commissioners of charitable abuses.

He had now gone through the plan he proposed, and had, he feared, fatigued the attention of the House. Its merits must rest on itself. But it was necessary for him to speak at some length in order to explain his views, and he hoped the House would think that he had redeemed the pledge which he had given two years ago.

Before he concluded, he was anxious to do justice to those meritorious individuals who had assisted him in this task. He had never known individuals who had been so diligent in a labour new to them, and therefore the more difficult, and so skilful as they had proved themselves. If this inquiry should be extended to Ireland, if statistical researches were generally pursued,—a pursuit so honourable and so useful, so honourable as a matter of science, so calculated to distinguish us among the nations of Europe, and so useful in promoting our morality and security; if other statistical inquiries should be instituted, those who had assisted him on this occasion would be better qualified for it than any others, and than they as well as he had been for this inquiry. He had been able to apply only the summer and part of his vacation to the task; they had applied the whole year. He was precluded from mentioning their names, but he should not have done justice if he had not mentioned their merits. The mere progress of education was not all he expected as the result, if this plan were cautiously and steadily acted upon. He anticipated that dame-schools would get into better hands, and be better conducted. One school of that most interesting class was but a short walk from the spot on which he then stood; and he had already called the attention of the House to it. If a child was neglected till six years of age, no subsequent education could recover it. If to that age it was brought up in dissipation and ignorance—in all the baseness of brutal habits, and in that vacancy of mind which such habits created—it was in vain to attempt to reclaim it by teaching it reading and writing. They might teach what they chose afterwards; but if they had not prevented the formation of bad habits, they taught in vain. But if dame-schools were better regulated, and adapted to the example of the school in Westminster, and the examples of Fellenberg and Lanark, he would not say that there would not be a pauper or a criminal in England, but he could say that Scotland or Switzerland would not have fewer than England, even in seaport-towns. An infant was in a state of perpetual enjoyment from the intensity of curiosity. There was no one thing which it did not learn sooner and better than at any other period of life, and without any burden to itself or the teacher. But learning was not all, nor the principal consideration—moral habits were acquired in these schools; and by their means children were kept out of nurseries of obscenity, vulgarity, vice, and blasphemy. In

retaining yours; but I certainly do feel, that whoever, standing in this position,—whether as a Peer of Parliament, or as a Member of the other Assembly,—undertakes to bring forward a subject like the present, has a difficult task imposed upon him. He makes himself the advocate of measures, which ought to be kept free from all admixture of party feeling—apart from all the disturbing forces of political animosity—measures in which as all parties have the same stake, so none ought to interfere with any other view, but to consider their merits upon the most enlarged principles, and with the most inflexible resolution to consult only the true interests of the country.

Why, then, it may be asked, am I apprehensive of this great and common cause suffering in my hands from party dissensions? It is because I fear lest some of your Lordships may think more of the advocate than of the question,—more of his politics, than of its merits. I know there are those who will not listen so readily to the claims of any subject, as they will consider the character and the habits—I mean the political character and habits—of him who introduces it. I know that there be those who are rather moved by the wrongs, (if I may speak the language of my profession,) the wrongs of persons, than by the rights of things; and unless your Lordships shall be convinced that this subject of Popular Education is, in itself, worthy your serious attention—unless I can make you fully aware of all its details, so as to conciliate your favour towards the things required for its full establishment,—I may be doing mischief to that cause, the progress of which it has been the great object of my life to advance. Yet assuredly the situation in which I here stand, is nothing less than novel to me. I have never stood, at any period of my public life, either in this or the other House of Parliament, otherwise than as the member of a minority, generally a minority inconsiderable in numerical force. I have always had a preponderating, often an overpowering majority of my fellow-members opposed to me in either House, even while a Minister of the Crown; nor was it until I had left the Commons, that my Colleagues knew what it was to sway the voices of that Assembly, while I only exchanged an adverse majority of Commoners for a hostile majority of Peers. Yet it has been my good fortune to succeed in obtaining the assent of both Houses to many measures of paramount importance, at first propounded to unwilling audiences,

rudely crossed by the influence of some, coldly supported by the flagging zeal of others, persevered in with the aid of the country, and backed by the force of reason, till in time the feeble minority swelled into an all but the unanimous voice of Parliament, as of the people. These recollections encourage me now to face the preponderance of my political adversaries, and give me hopes of a like success in my present endeavours.

Having detained your Lordships for a few moments with adverting to what I deemed not unimportant, I shall now come at once to the details of the subject which I wish to press upon the attention of the House. I shall first of all explain why I deem it to be inexpedient to bring forward for the consideration of Parliament, that which many of the warmest friends of Universal Education, with the best intentions, (though I think through mistaken views,) are partial to; I mean a General Bill for the establishment of Parish Schools at the public expense, and under public regulation. I am very decidedly against any such measure, and I shall now shortly explain why I am against it. But as the opinion to which I now refer is entertained, though by a most respectable, yet not by a numerous class of persons, I should not feel justified in entering upon details to show why I differ from them, were it not that at one and the same time I shall be laying before your Lordships the present state of Popular Education in this country.

In the year 1818, the labours of the Education Committee of the House of Commons,—labours to which no man can attach too high a value,—were made the subject of great controversy,—a controversy as fierce and uncompromising as almost any that ever prevailed,—and to which I only now refer as affording another reason for the hope I so fondly cherish, that though now, perhaps, in a minority upon this, as upon many other questions here debated, I yet may ultimately find myself with scarcely an antagonist. That bitter controversy is at an end—the heats which it kindled are extinguished—the matter that engendered those heats, finds equal acceptance with all parties. Those are now still, or assenting, or even supporting me, who then thought that I was sowing broadcast the seeds of revolution, and who scrupled not to accuse me as aiming at the “dictatorship,” by undermining the foundations of all property; those who once held that the Education Committee was pulling down the Church, by pulling down the Universities and the Great

retaining yours ; but I certainly do feel, that whoever, standing in this position,—whether as a Peer of Parliament, or as a Member of the other Assembly,—undertakes to bring forward a subject like the present, has a difficult task imposed upon him. He makes himself the advocate of measures, which ought to be kept free from all admixture of party feeling—apart from all the disturbing forces of political animosity—measures in which as all parties have the same stake, so none ought to interfere with any other view, but to consider their merits upon the most enlarged principles, and with the most inflexible resolution to consult only the true interests of the country.

Why, then, it may be asked, am I apprehensive of this great and common cause suffering in my hands from party dissensions ? It is because I fear lest some of your Lordships may think more of the advocate than of the question,—more of his politics, than of its merits. I know there are those who will not listen so readily to the claims of any subject, as they will consider the character and the habits—I mean the political character and habits—of him who introduces it. I know that there be those who are rather moved by the wrongs, (if I may speak the language of my profession,) the wrongs of persons, than by the rights of things ; and unless your Lordships shall be convinced that this subject of Popular Education is, in itself, worthy your serious attention—unless I can make you fully aware of all its details, so as to conciliate your favour towards the things required for its full establishment,—I may be doing mischief to that cause, the progress of which it has been the great object of my life to advance. Yet assuredly the situation in which I here stand, is nothing less than novel to me. I have never stood, at any period of my public life, either in this or the other House of Parliament, otherwise than as the member of a minority, generally a minority inconsiderable in numerical force. I have always had a preponderating, often an overpowering majority of my fellow-members opposed to me in either House, even while a Minister of the Crown ; nor was it until I had left the Commons, that my Colleagues knew what it was to sway the voices of that Assembly, while I only exchanged an adverse majority of Commoners for a hostile majority of Peers. Yet it has been my good fortune to succeed in obtaining the assent of both Houses to many measures of paramount importance, at first propounded to unwilling audiences,

schools, and then consider what progress has been made in them since 1818; a progress partly owing to the exertions of private benevolence, but in part, too, achieved by the exertions of the poorer classes themselves; for it is a circumstance on which I dwell with the greatest pride and pleasure, that of the 478,000 taught in unendowed schools, 310,000 paid for their tuition, and 168,000 only were free scholars; and even taking in the endowed schools, of the whole 644,000 taught, 320,000, or one-half of the whole, paid for their schooling.

Now, when I said I should lay on one side the education in Sunday-schools, it was not from undervaluing those excellent institutions, or because the details relating to them are unimportant, but because of the limited nature of that kind of education, and the necessarily inferior advantages which alone it can bestow; for while one day in the week¹ is very little towards the purposes of instruction, it is still less towards the benefits—the far more important benefits of moral discipline. It is evidently not merely the teaching of reading, writing, and ciphering, that profits the child: the regular school attendance is far more material for its improvement. Six days in the week, at six hours in the day, is a vast advantage in this training; but a single day, for three or four hours, although the child being kept out of harm's way may be something, is yet, comparatively speaking, insignificant as moral training,—as forming the invaluable habits of order, industry, and good behaviour. I desire it to be understood that I say nothing against Sunday-schools, or against those excellent individuals who patronize them, and who devote so much of the day of rest to teaching in them. It is not because I value them less,—but because I prize the others more,—those schools in which the whole time of the children is spent under the master's eye,—that I have said nothing of the numbers taught on Sundays. There is, indeed, another reason for keeping those numbers out of our calculation; we have no means of knowing what proportion of the children attend the Sunday-schools alone, and how many attend both the Sunday and the day-schools. Thus, there were, in 1818, as I have already said, 644,000 children attending day-schools, and 452,000 was the number of children attending

¹ As to the larger scope of the Sunday-school see the evidence of Mr Benjamin Braidley before the Select Committee of 1834 referred to *supra*, p. 206.

Schools—that my only design could be to raise some strange edifice of power upon the ruins of all our institutions, ecclesiastical and civil—have long ceased to utter even a whisper against whatever was then accomplished, and have become my active coadjutors almost ever since. Nay, the very history of that fierce contention is forgotten. There are few who now are aware of a controversy having ever existed, which a few years back agitated all men all over the country; and the measures I then propounded, among revilings and execrations, have long since become the law of the land. I doubt whether, at this moment, there are above some half-dozen of your Lordships who recollect any thing about a warfare which, for months, raged with unabated fury both within the walls of the Universities and without—which seemed to absorb all men's attention, and to make one class apprehend the utter destruction of our political system, while it filled others with alarm lest a stop should be put to the advancement of the human mind. That all these violent animosities should have passed away, and all these alarms be now sunk in oblivion, affords a memorable instance of those strange aberrations—I will not say of public opinion, but—of party feeling, in which the history of controversy so largely abounds. I have chiefly dwelt upon it to show why I again trust that I may outlive the storms which still are gathering round those who devote themselves rather to the improvement of their fellow-creatures than the service of a faction.

In those days, then, the Education Committee, by inquiries instituted respecting all the parishes of this island, obtained a full account of the means of instruction existing in each. The result of the whole was, as regarded England and Wales, that independent of Sunday-schools,—which for the present I shall lay on one side,—there were of day-schools, endowed and unendowed, about 18,500, actually educating, during six days in the week, 644,000 children,—that of this number 166,000 were educated at endowed schools, and 478,000 at unendowed schools, schools supported entirely by voluntary contributions, or by the payments received from scholars. The number of endowed schools was somewhat above 4,100—of unendowed, about 14,300. The former number of endowed schools, and their scholars, is of course nearly fixed—the latter, of unendowed, is that which varies from time to time: therefore take only the variable number of 478,000, those educated at unendowed day

while the number in 1828 amounted to 105,000, or five per cent. (on the larger number), more than double. So that, if that calculation were correct, the number of children educated in unendowed schools had considerably more than doubled during those ten years. When I stated, from this calculation, my confident belief that the whole number of children educated in England had increased in the same proportion; so that, where there had been 478,000, there ought now to be between 1,000,000 and 1,100,000, I spoke in the confident expectation that the Returns for the whole parishes of England and Wales would amply prove my calculation to be correct. But I cannot help pausing for a moment, to add, that I entertained this opinion, not alone, certainly, but in company with only a few of those with whom I acted. There was a great and almost universal outcry against the correctness of the reasoning and the sufficiency of the data, and reverend clergymen, and learned professors, and expert calculators—but not experienced men—were loud in their objections. For it was said that the number of parishes from which I have received answers was but a small proportion of the 11,400 parishes in the whole country; and that, in the remaining 10,900 parishes, there was no reason why Education might not have remained stationary, or have gone back. It was in vain I urged that these parishes, thus taken at random, would furnish something like an average for the whole;—in vain I foretold that, if the whole returns were made, my calculations would prove correct,—nay, that they must prove correct, unless a miracle had been wrought to effect, what nothing else could accomplish, the progression of Education in 487 parishes, taken at random, while all was stationary, or retrograde movement, in all the others. Well, the motion of a Noble and esteemed Friend of mine in the other House of Parliament¹, Lord Kerry, has now produced those fuller returns; they have been classed and digested in great part; and I am now in a condition to show—not upon 487 parishes, but upon the whole parishes of thirty-three counties, alphabetically, from Bedfordshire to Suffolk inclusive, containing 10,110,000 souls, and, consequently, greatly more than two-thirds of the whole country—that my com-

¹ An address of the House of Commons moved for by Lord Kerry on May 24th, 1833, asked the king to give directions that a Return as to the amount of Education in the country should be laid before the House. The Return is contained in *Parliamentary Paper*, No. 62, of 1835.

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putation was perfectly accurate, and that I had framed it on sufficient data. I shall not trouble your Lordships with the figures in detail, but give the results at once: and you will then see how far my prediction is verified. In those thirty-three counties, which include Lancashire and Middlesex—two counties containing a population of about 2,700,000, but the whole thirty-three containing 10,110,000, the results are, indeed, most satisfactory. Assuming, as we most clearly may, that the rest of the country has now the same proportion of scholars and schools, the result is, that, instead of the 478,000 attending the unendowed day-schools in the year 1818, having increased as I had anticipated to above 1,000,000, they have increased to 1,144,000, and the number of schools is increased from 14,000 to 31,000. This is not only not under my calculation, but is considerably above it; and the excess is owing plainly to the progress made since 1828.

I shall not detain your Lordships further on this point, than to observe, that the great increase on the unendowed schools and scholars has not been attended with a corresponding increase in the children receiving instruction at the endowed schools. On the contrary, these have fallen off in numbers, from 166,000 to 150,000; a fact which—considering the introduction of the new method, the Bell and Lancaster plan, into many of those foundations—gives rise to serious reflections. Such, however, is the present amount of daily instruction. In all kinds of schools, it is given to about 1,300,000 children, without any interposition of the Government or public authorities. And surely this leads to the irresistible conclusion that, where we have such a number of schools and such means of Education furnished by the parents themselves from their own earnings, and by the contributions of well-disposed individuals in aid of those whose earnings are insufficient, it behoves us to take the greatest care how we interfere with a system which prospers so well of itself; to think well and long and anxiously, and with all circumspection and all foresight, before we thrust our hands into a machinery which is now in such a steady, constant, and rapid movement; for if we do so in the least degree incautiously, we may occasion ourselves no little mischief, and may stop that movement which it is our wish to accelerate. I know well the difficulties of maintaining the continuance of subscriptions first begun on occasions of public spirit excited, and beneficent zeal aroused. I know well—

as do all men who have bestirred themselves, how little soever, with the purpose of benefiting their fellow-citizens—that nothing can be more perilous than to give contributors an opportunity of saying, what some will feel and others will be ready to urge—“We need not subscribe any more, for the Government, or the county, or the parish has stepped in to educate the people, and will now maintain our institution.” Let the tax-gatherer, or the county-assessor, or the parish collector, but once go his rounds for a school-rate, and I will answer for it, that the voluntary assistance of men in themselves benevolent, and, indeed, munificent, instead of increasing, will soon vanish away; that the 1,144,000 now educated at unendowed schools will speedily fall down to almost nothing; and that the adoption of such a fatal and heedless course will sweep away those establishments which, at present, reflect so much honour on the community, which do so much good, and are calculated, with judicious management, to do so much more. Add to this, that in many parts of the country—and those the very districts where the people want instruction most—they are by no means anxious for it, nor very eager to send their children to school. Those persons who found and support schools, are of infinite use in encouraging the poor to benefit by their exertions; and all this useful engine of improvement would be destroyed, if the affair of Education once were made a parish concern.

I need not dwell longer on this point. The error has arisen from only regarding the Scotch Parish-school Law, which, having worked so well in one country, is expected to produce as good effects here. But a century and a-half ago, when there was hardly a school in Scotland, it was of incalculable importance to plant one in each parish, because this occasioned many others to be voluntarily established, and could interfere with no individual exertions then making, and no schools already established. Who does not see that this is not the case of England at the present day—when we have already nearly as many schools and children taught in proportion to the population, without any compulsory provision, as Scotland had, in 1818, after the Act of William and Mary had been in operation 130 years?

The ground of the Education Committee, in 1818, favouring the establishment of parish-schools by law, was the apprehension that the means of instruction afforded by voluntary contribution might

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putation was perfectly accurate, and that I had framed it on sufficient data. I shall not trouble your Lordships with the figures in detail, but give the results at once: and you will then see how far my prediction is verified. In those thirty-three counties, which include Lancashire and Middlesex—two counties containing a population of about 2,700,000, but the whole thirty-three containing 10,110,000, the results are, indeed, most satisfactory. Assuming, as we most clearly may, that the rest of the country has now the same proportion of scholars and schools, the result is, that, instead of the 478,000 attending the unendowed day-schools in the year 1818, having increased as I had anticipated to above 1,000,000, they have increased to 1,144,000, and the number of schools is increased from 14,000 to 31,000. This is not only not under my calculation, but is considerably above it; and the excess is owing plainly to the progress made since 1828.

I shall not detain your Lordships further on this point, than to observe, that the great increase on the unendowed schools and scholars has not been attended with a corresponding increase in the children receiving instruction at the endowed schools. On the contrary, these have fallen off in numbers, from 166,000 to 150,000; a fact which—considering the introduction of the new method, the Bell and Lancaster plan, into many of those foundations—gives rise to serious reflections. Such, however, is the present amount of daily instruction. In all kinds of schools, it is given to about 1,300,000 children, without any interposition of the Government or public authorities. And surely this leads to the irresistible conclusion that, where we have such a number of schools and such means of Education furnished by the parents themselves from their own earnings, and by the contributions of well-disposed individuals in aid of those whose earnings are insufficient, it behoves us to take the greatest care how we interfere with a system which prospers so well of itself; to think well and long and anxiously, and with all circumspection and all foresight, before we thrust our hands into a machinery which is now in such a steady, constant, and rapid movement; for if we do so in the least degree incautiously, we may occasion ourselves no little mischief, and may stop that movement which it is our wish to accelerate. I know well the difficulties of maintaining the continuance of subscriptions first begun on occasions of public spirit excited, and beneficent zeal aroused. I know well—

knowledge which they profess at present to teach. It is a fact, and it is one of importance to bear in mind, that if you take the children, of any country, between seven and twelve years of age, they amount to between 10 and 11 per cent. of the whole population. If that be so, it is demonstrable that the average of instruction of the people of England, at the present moment, is still defective. The whole population of England and Wales amounts to 13,894,000. Of this large population, there is not a ninth¹ instructed, as the proportion requires;—no, nor a tenth part neither, for a ninth is 1,543,700; a tenth is 1,389,400, and there is only 1,294,000, or very little more than one-eleventh; and this number of 1,294,000 includes 65,000 infants under the age to which my proportion applies; so that it is in truth only 12,290,000 (*sic*) that are provided for, being only between one-eleventh and one-twelfth, and leaving a deficiency of above 300,000, as regards the ages between seven and eleven or twelve; that, indeed, is not the age to which, in my opinion, you should alone look; but I am now calling the attention of your Lordships to the inadequacy of the present provision, even for accomplishing its professed purpose of teaching a little knowledge to children out of the infant state. The whole amount of this kind of Education I have stated as given to not much more than one-twelfth of the population. But this is the average, and unfortunately it is unequally distributed, being most abundant in places where it is least wanted, and where it is most required, least liberally afforded. The average of all England and Wales we shall say is one in twelve; but what is the proportion in certain counties? Why, one-thirteenth, one-fourteenth, and one-fifteenth. And which are those counties, I would ask, where Education is the least expanded? They are Middlesex and the County Palatine of Lancaster; and I believe, though I have not the Returns, I may add Surrey. Of Middlesex and Lancaster, however, I can speak with certainty, that the proportion is little more than one-fifteenth, being in each a deficiency of near 60,000 children, and these are the two counties in all England in which the importance of Education is the greatest; so that the

¹ The expression of schools for one-ninth of the population means this—That proportion of the whole people denotes the children of certain ages. Thus in a million of people there may be about 110,000 children between seven and twelve years old—that number, or one-ninth of the population, therefore requires schools, in order that all may be taught. [*Lord Brougham's Note.*]

provision for instruction is scanty, exactly in proportion as the circumstances of the people require that it should be abundant. For I ask whether the metropolitan and the great manufacturing counties are not those which every consideration of public policy and of public morals (if things which are one and the same must be spoken of as distinct) prompts us to instruct most liberally—to fill with the means of education—to stud over with schools? Nor is this inequality of distribution confined to provinces; it pervades districts also. In those populous counties, with their large towns, the general proportion is little above one-fifteenth. But if this average were equally divided between the town and country population, the evil would be less. Unfortunately such is not the case, for in some of the great cities, as London, Westminster, Southwark, and the manufacturing emporia of the north, the average, instead of being a fourteenth, or even a fifteenth, sinks down to an eighteenth or nineteenth. Thus the average for all Lancashire being between one-fourteenth and one-fifteenth, in the two parishes of Ulverstone and Cartmel, where there are about 12,000 inhabitants, it is one-eighth, and in Manchester and Salford, where 182,000 people dwell, it is about one-eighteenth only, so that there is in that great town a want of schools for 10,000 children. In 1818 the average for all England was one-fifteenth; but for Lancashire it was only one-twenty-fourth; and for Middlesex one-twentieth. At present Lancashire presents a proportion of one-fourteenth and a-half, and Middlesex about one-fifteenth, so that the latter county manifests a greater degree of improvement than the former.

Now, my Lords, what is the melancholy result of this statement? It is neither more nor less than this,—that in the great towns of England there is still so considerable a deficiency in the means of elementary instruction provided, whether as regards endowed schools, or schools supported by voluntary contributions and private exertions, that in those places where it is most important to have the people instructed, there are nearly one-half of the children of the poor destitute of all means of Education. I shall call upon your Lordships, therefore, with the view of remedying this great evil, to adopt the principle sanctioned by the Report of the Education Committee of 1818. I am of opinion that the only safe course which we can take for supplying the lamentable deficiency which I have described, is to furnish the great towns with the funds now wanting,

and to apply this public aid so as not to interfere with the exertions of individual zeal, or cut off the supplies of private munificence. This is to be done, in my opinion, by acting upon the principle recommended in the Second Report of that Committee. The obvious course is, to plant the school, or rather to overcome the difficulty which generally prevents schools from being commenced—the want of an outfit for providing a building. I would by no means say to the people of Oldham, for instance, in Lancashire, or of Marylebone in Middlesex,—“Here is a sum of 200*l.* a-year, or 150*l.* a-year, to pay a schoolmaster or schoolmistress;” for that would have the effect of preventing many persons from subscribing annually, and it would especially disincline the poor to spare something for quarter-pence,—an exertion, on their part, of admirable use, as it not only preserves their independence, but makes them prize far more the instruction which they pay for. But the great difficulty of establishing schools is connected with the first cost—the building or buying a school-house. Let us, then, start the establishment, overcome the first difficulty, and meet individuals half-way who are anxious for the spread of Education. Do not even say—“Here are 500*l.* for this object;” but proceed on this principle—“If you will subscribe so much, we will subscribe the rest;” and you will, by these means, instead of repelling voluntary assistance, invite individuals to come forward in the cause. Such was the principle acted upon by the Church Building Commission, as tending to encourage, rather than to repress, the exertions of the community. It was also adopted by the Government in distributing the grants of 20,000*l.* voted by the House of Commons in the years 1833 and 1834; and I am happy to say that the manner in which it was bestowed has produced all the results expected by the promoters of the plan, which was, indeed, only acting upon the Education Committee’s Report in 1818. The establishment of hundreds of schools, and the contribution of thousands of pounds, for the furtherance of Education, has been the happy result; and but for the aid, the somewhat scanty aid, thus afforded, those sums would never have been devoted to this great national object, and those schools never would have existed.

But I come now to the second ground of complaint against the schools established throughout the country. My next proposition is—that they are only open to children too far advanced in years. I consider the establishment of Infant Schools one of the most

important improvements—I was going to say in the Education, but I ought rather to say in the civil polity of this country—that have for centuries been made. I believe no one who has had an opportunity of observing those institutions, will feel the least hesitation in assenting to this opinion, and in confessing how desirable it is that the system should be generally adopted. But I wish now particularly to call the attention of the House to the reasons of fact, on which alone the usefulness of Infant Education is established. I assert, that we begin much too late in the Education of children. We take for granted that they can learn little or nothing under six or seven years old, and we thus lose the very best season of life for instruction. Whoever knows the habits of children at an earlier age than that of six or seven—the age at which they generally attend the infant schools—whoever understands their tempers, their habits, their feelings, and their talents,—is well aware of their capacity of receiving instruction, long before the age of six. The child is, at three and four, and even partially at two and under, perfectly capable of receiving that sort of knowledge which forms the basis of all Education; but the observer of children, the student of the human mind, has learnt only half his lesson, if his experience has not taught him something more: it is not enough to say that a child can learn a great deal before the age of six years: the truth is that he can learn, and does learn, a great deal more before that age than all he ever learns or can learn in all his after life. His attention is more easily roused in a new world—it is more vivid in a fresh existence—it is excited with less effort, and it engraves ideas deeper in the mind. His memory is more retentive in the same proportion in which his attention is more vigorous; bad habits are not yet formed, nor is his judgment warped by unfair bias; good habits may easily be acquired, and the pain of learning be almost destroyed: a state of listless indifference has not begun to poison all joy, nor has indolence paralysed his powers, or bad passions quenched or perverted useful desires. He is all activity, inquiry, exertion, motion,—he is eminently a curious and a learning animal; and this is the common nature of all children, not merely of clever and lively ones, but of all who are endowed with ordinary intelligence, and who in a few years become, through neglect, the stupid boys and dull men we see.

The child, when he first comes into the world, may care very

little for what is passing around him, although he is, of necessity, always learning something even at the first; but, after a certain period, he is in a rapid progress of instruction; his curiosity becomes irrepressible; the thirst for knowledge is predominating in his mind, and it is as universal as insatiable. During the period between the ages of eighteen months or two years, and six—I will even say and five—he learns much more of the material world—of his own powers—of the nature of other bodies—even of his mind, and of other minds—than he ever after acquires during all the years of boyhood, youth, and manhood. Every child, even of the most ordinary capacity, learns more, acquires a greater mass of knowledge, and of a more useful kind, at this tender age, than the greatest philosopher is enabled to build upon it during the longest life of the most successful investigation—even were he to live to eighty years of age, and pursue the splendid career of a Newton or a La Place. The knowledge which the infant stores up—the ideas which are generated in his mind—are so important, that if we could suppose them to be afterwards obliterated, all the learning of a senior wrangler at Cambridge, or a first-class man at Oxford, would be as nothing to it, and would literally not enable its victim to prolong his existence for a week. This being altogether undeniable, how is it that so much is learnt at this tender age? Not certainly by teaching, or by any pains taken to help the newly-arrived guest of this world. It is almost all accomplished by his own exertions—by the irrepressible curiosity—the thirst for knowledge only to be appeased by learning, or by the fatigues and the sleep which it superinduces. It is all effected by the instinctive spirit of inquiry which brings his mind into a perpetual course of induction—engaging him in a series of experiments which begins when he awakes in the morning, and only ends when he falls asleep. All that he learns during those years he learns not only without pain, but with an intense delight—a relish keener than any appetite known at our jaded and listless age—and learns in one-tenth of the time which in after life would be required for its acquisition.

Now, while the faculties continue so acute, and the curiosity so keen, much more might be learnt, especially after the second or third years, and all this invaluable time is now thrown away; nay, even during those earlier years—the second and third—while he is, as it were, by accident acquiring his knowledge of external objects,

he might also be receiving lessons of an important description, which would never be effaced from his memory, even to the last hour of his life. But so might he certainly in the fourth and fifth year, and after his first knowledge of external objects is completed. All these years—these most precious years—are thrown away; nor is this the only or the worst consequence of that time being lost; for if much that might be learnt is thus lost for ever, much that is pernicious is assuredly imbibed. While good habits, which might be implanted, are not formed, evil ones are fixed, which half a lifetime can hardly eradicate. It is really wonderful how much a child knows, at the age of seven, that he ought not to know, unless great pains have been taken to teach him better; to exclude the worst species of knowledge from his mind, and prevent the most mischievous habits from becoming a second nature to him. Listless, indolent, inattentive habits are formed before the age of seven, and the victim of curiosity becomes an indocile being. Perverse and obstinate habits are formed before the age of seven, and the mind that might have been moulded like wet clay in a plastic hand, becomes sullen, intractable, obdurate, after that age. To the inextinguishable passion for all learning, succeeds a dislike for instruction, amounting almost to disease. Gentle feelings—a kind and compassionate nature—an ingenuous, open temper—unsuspecting and seeking no cloak nor any guard—are succeeded by violence, and recklessness, and bad morals, and base fear, and concealment, and even falsehood, till he is forced to school, not only ignorant of what is good, but also well learned in much that is bad. These are the effects of the old system, the postponed education, and the neglected tuition of infants. But the history of Infant Schools has been consolatory to the philanthropist; their manifest good effects have roused the attention of the community to the sacredness of the trust reposed in their hands—to the absolute necessity of effecting a total change in the system of Education—to the incalculable benefits derived from the infusion of useful learning, upon sound principles, into the minds of children at the docile age, and of giving them innocent pursuits and wholesome habits, while these can yet be implanted in a virgin soil.

More would really be superfluous upon the general advantages of Infant Schools. I will only add, that in France, as well as in this country, the most sanguine hopes are entertained by all parties of

the benefits to be derived from their universal establishment. Our enlightened neighbours having sent over accomplished persons to learn the method, Infant Schools (called *Salles d'Asyle*) are established at Paris, and elsewhere; and, indeed, were I to point out the best I have ever seen, I should say, from the accident of a peculiarly qualified teacher having undertaken it, that the best is at Paris. The authorities of that capital are now occupied in multiplying such establishments. In this country, I think it is now about seventeen years since my noble friend (Lord Lansdowne), and I, with some others, began the first of these seminaries, borrowing the plan, as well as the teacher, from Mr Owen's manufactory at Lanark; and though it has been eclipsed by others to which it gave rise, especially Mr Wilderspin's, in Spitalfields, and Mr Wilson's, at Walthamstow, it yet has done vast good in its neighbourhood. On this I can appeal to any one of your Lordships who may like to satisfy himself of the excellence of the system. The school I allude to still flourishes in Westminster, a few hundred yards from the spot where you now are.

But, my Lords, I do not confine my panegyric of Infant Schools to the general use of early training; I have a much more precise and definite purpose in view; and when I express my meaning to your Lordships, the proposition will probably be welcomed with the same degree of respect which my calculations received in 1828 from the inexperienced persons whom I have already described. I and my coadjutors may again be described as visionaries, speculatists, enthusiasts, to sum up all in one worst of words—theorists. We walked, but walked onward, among clouds of such phrases, thickly buzzing about from every corner; a little noisy, less troublesome, but offering no kind of resistance to our progress. If my opponents smiled at me, I smiled at them, so that quarrel we had none; and at length they who laughed, were first silenced, then convinced, and are now active coadjutors. And now I am again exposing myself to a repetition of the ridicule, when I state that I consider that the establishment of Infant Schools in large towns, where crime is rife, where the people are closely crowded and ignorant, and vicious as well as ignorant—that planting those schools in such haunts of men as London, Westminster, Southwark, Manchester, Birmingham, and Sheffield, would be the most simple and most efficacious preventive of crimes. It is usual to regard punishment as the means of deterring men from committing offences. I know

that there are some who put their trust in the gallows for extirpating vice; that those who recoil from the idea of execution, fall back upon transportation; that those for whom the transport-ship has no charms, yet affect the Penitentiary; that those who dislike the unwholesomeness of the Penitentiary, yet cling to the treadmill, believing in the virtues of solitary confinement for two weeks, or confinement not solitary for the residue of six or twelve months. I know that various persons patronise these different punishments, that each has his reason for pressing his particular fancy, and that all flatter themselves their own favourite nostrum will be found the specific for our diseased moral condition. But this I also know, that no one ever stops to examine in what way punishment deters from crime, or asks himself if it really operates in that way at all; resting satisfied with the old received popular opinion—learned by heart and repeated by rote, without the least regard to its meaning, far less to the reasons it may rest upon—that “the example of the punishment deters from the commission of the crime,”—and so no remedy beyond punishment is ever thought of as worthy of a moment's consideration. Far, indeed, is it from my intention to say, “Abolish the criminal judges, do away with the gallows, the convict-ship, the treadmill, and repeal your Criminal Code;” for I full well know that while the present system continues you must have all the apparatus of penal legislation. I am not, certainly, one of those who believe in the kind of adage I have mentioned—the jingle about example and deterring; but although little good arises, according to my opinion, from the infliction of punishments, yet a great deal of harm would be done by their repeal, and, therefore, I do not say, “Dispense with such inflictions;” but I do really and sincerely declare, from the result of my practical experience, and on all the principles which I have ever called to aid me in the inquiry, that the present system of punishment fails so entirely in accomplishing its object, that nothing can be less consolatory to the feelings of him who has to administer criminal justice, or him who presides over the councils required to execute it. It is almost incredible to those who have not well examined the subject, how little good can be ascribed to punishments in the way of preventing crimes. Hardened criminals may be got rid of by one infliction, banished by another, removed from society by a third; but the example of their suffering, were it far more known than it is, produces very little effect.

Having thus guarded myself from the imputation which I might have drawn upon myself, of wishing you to alter any part of the Criminal Code upon these grounds, I may proceed to state my reasons for holding the opinion which I have stated as being mine. It appears to me evident that all who have discussed this question of crime and punishment, have proceeded upon an erroneous supposition. They have all assumed that a person making up his mind about committing an offence against the law is a reasoning, provident, calculating being. They have all argued on the supposition, that a man committing a robbery on the highway, speculates, at the moment of planning his expedition, upon the chance of being hanged for it; or that a man projecting a forgery, is well aware of the punishment which awaits him, and feels a conviction that he shall suffer it. All reasoners on this subject have gone upon the assumption, that the individuals who commit crimes, calculate beforehand the consequences of their conduct, as the merchant, in his counting-house, reckons on the chances of profit and loss in his speculations; or the farmer—(if, indeed, farmers ever calculate)—on the crops, the markets, and the seasons. That is the first mistake; but there is another not less detrimental to the argument. It is equally assumed, that the individual is, at the time of making the supposed calculation, unbiassed and free in his mind—that he considers the subject with calmness and deliberation—in short, that he is altogether in the same frame of mind in which we are ourselves, when devising the punishment for his offences; whereas, he is almost invariably under the influence of strong excitement. He has lost money at the gaming-table, and is ruined if he cannot pay it or replace it—he ought to have calculated before he went there, and he might then have reasoned; but that is not the moment to which the penal denunciations are addressed—he thinks not at all till he feels the consequences of his imprudence, and has debts to pay after his losses—has a family and a station to support in spite of them; and then comes the question, what shall he do—and then he is supposed to count the risk of detection, conviction, and punishment, if he plunges into a course which will relieve him from his pressing embarrassments. In circumstances like these, I very much doubt his calculating at all, for what fills his whole mind is his ruined condition; he feels much; he fears much; and he is disordered in his understanding, by the vehement desire to escape from the

endless difficulties into which his rash imprudence has hurried him. In such a frame of spirit, he is little likely to pause and consider. But suppose him to calculate—his reckoning will not be so much of the amount of danger to be encountered by the criminal act, as of the utter ruin and disgrace in store for him if he be a defaulter. The truth is, that men rush on the commission of the greatest crimes, under the dominion of passions which lay their reason prostrate. The greatest of all enormities are almost invariably committed under the influence of mighty excitement. It is the madness of lust, and a rape is perpetrated—or the fury of revenge, and murder is done—or hatred wrought up to frenzy, and houses are burnt or demolished; the stings of conscience being felt after the offence, and in the calm that succeeds the tempest of passion. Even offences of a more sordid kind, those against property, and which are more connected with speculation, are planned with such a desire of obtaining the things sought after, to supply some necessity, or gratify some propensity, that in estimating the risk of detection and punishment, hardly a thought is bestowed on those dangers; so that altogether very little reliance can be placed on the deterring influence of punishments, whether seen or only heard of. But if punishment is inefficient, I am sure that prevention is effectual. The schools which have already been established for children at the ages of seven, eight, nine, and ten, exhibit results consolatory as far as they go; but these are very ineffectual instruments of improvement compared with those which I wish to see established, where the child, at the earliest age, may be taken under the fostering care of the instructor,—where the acquisition of vicious habits may be effectually prevented, and the principles of virtue may thus early be instilled into the mind,—where the foundation may be laid for intellectual as well as moral culture,—and where, above all, the habits of prudence, industry, and self-control, may be taught at a season when lasting habits are easily acquired. If, at a very early age, a system of instruction is pursued by which a certain degree of independent feeling is created in the child's mind, while all mutinous and perverse disposition is avoided,—if this system be followed up by a constant instruction in the principles of virtue, and a corresponding advancement in intellectual pursuits,—if, during the most critical years of his life, his understanding and his feelings are accustomed only to sound principles and pure and innocent im-

pressions,—it will become almost impossible that he should afterwards take to vicious courses, because those will be utterly alien to the whole nature of his being. It will be as difficult for him to become criminal, because as foreign from his whole habits, as it would be for one of your Lordships to go out and rob on the highway. Thus, to commence the Education of youth at the tender age on which I have laid so much stress, will, I feel confident, be the sure means of guarding society against crimes. I trust every thing to habit—habit, upon which, in all ages, the lawgiver, as well as the schoolmaster, has mainly placed his reliance—habit, which makes every thing easy, and casts all difficulties upon the deviation from the wonted course. Make sobriety a habit, and intemperance will be hateful and hard,—make prudence a habit, and reckless profligacy will be as contrary to the nature of the child grown an adult, as the most atrocious crimes are to any of your Lordships. Give a child the habit of sacredly regarding truth—of carefully respecting the property of others—of scrupulously abstaining from all acts of improvidence which can involve him in distress—and he will just as little think of lying, or cheating, or stealing, or running in debt, as of rushing into an element in which he cannot breathe.

Now, the problem we would resolve, is to find the means of preventing that class from coming into existence amongst whom the criminals that infest society are created and fostered; and to solve this problem, we must first examine of what persons that class is composed. I consider that they come almost entirely from among the poorer orders of the people, and chiefly in the large towns. My calculation, into the data of which I will not now stop to enter, is, that the persons among whom crime is generated form about one-fifth of the population in the large towns, about one-sixth in those of the middle size, and about one-seventh in the smaller towns. The class to which I refer is not among the higher ranks of society, not certainly among the middle class, nor yet among those immediately below the middle classes—I mean that most respectable body of the working classes who are at once skilful, industrious, and respectable; but the persons from the body of whom criminals are produced, are a certain proportion of the mere common day-labourers, who almost, of necessity, suffer severe and constant difficulty in obtaining the means of subsistence in the present state of society, and for whose conduct every possible allowance ought in justice to be made. The

question, then, is reduced to this—How shall we so deal with this body of the people as to prevent them from growing up with vicious or with improvident habits, which are the parents of vicious ones, and turn them to habits of an opposite description—such habits as will make profligacy, and improvidence, and crimes, foreign to their nature? Then, I say, that planting a sufficient number of Infant Schools for training and instructing all the children of those classes of the people, will at once solve the problem of prevention. Of this I cannot doubt, unless I disbelieve the evidence of my own senses in England and France, and deny all that I know from the testimony of others regarding such seminaries. In any community crimes would be reduced to an inconsiderable quantity, if Infant Schools could be established, sufficient for the children of all those classes of the community to which I have alluded. The real difficulty is, indeed, inconsiderable—it only relates to providing the schools; for all those persons who have themselves been thrown into evil communication by the want of knowledge, and by early bad habits, have invariably, to their praise be it spoken, looked favourably upon infant tuition. I have had an opportunity, myself, of observing that portion of the community; and I am happy in being able to say that I never saw any one of them, however exceptionable might have been their own conduct, or however deficient they were in Education themselves, that did not express an anxious desire to place their children where they could be better brought up than at home, and made better than themselves. Here, then, is a powerful lever to be moved by us, whenever we shall interfere in this great department of public policy. With such an object in view, and with such facilities as this good disposition in the poor affords, I cannot conceive that there will be any material difficulty in obtaining the means of planting Infant Schools, in sufficient numbers, to train the proportion of the people which I have already mentioned. The cost I know, from an accidental circumstance, to be moderate. A legacy estimated at 7,000*l.* or 8,000*l.* was some years ago left to me, on the supposition that I held certain opinions which I really did not entertain. I, of course, felt that I had no right to take it, given, as it was, under an entire misapprehension, and I destined the money to the purpose of establishing Infant Schools,—sufficient to train any of the great parishes of this metropolis,—which all the inquiries and calculations made, proved

that the fund would easily do. However, the opinion of Mr Hart being taken, and finding that I must undergo a Chancery-suit before the money could be obtained, I abandoned it altogether, by renouncing. But, in consequence of the project I had conceived, inquiries were set on foot, by which it was made manifest that for 7,000*l.* we could establish schools which would train that portion of a population of 130,000, which I suppose to furnish the criminals. If the schools were established by the Government they would probably cost a little more, because Government never can work so cheap as individuals; but I am quite satisfied, that if the wisdom of Parliament gave but the inconsiderable sum of 30,000*l.* for two years, (inconsiderable compared with the millions so easily and so lavishly voted for wars and other evil purposes), we should be able to provide for the training of the whole of London, on both sides of the river, and that the effects of it, on our criminal judicature, would very soon become apparent, as well as on our parish expenditure. We should witness the improvement of the morals of the community, in the diminution of crimes—the improvement of its circumstances in the diminished improvidence and poverty of the people. This measure would be remedial, and preventive, and healing in a degree far surpassing all that has hitherto been attempted by the unwieldy arm of criminal jurisprudence.

I well know the consequences of the present system of punishment, and, in truth, nothing can be worse. There are in London thousands of juvenile offenders, as they are termed, and not incorrectly, for they are eight, nine, ten, and eleven years of age, and they have offended, but they are as yet beginners in villany; they are not adult criminals; they are not inured and hardened in vice; they have accidentally, occasionally as it were, violated the law:—but enclosed for a week or two in Newgate, or some other school of crimes, some receptacle for accomplished villains, the immature rogues perform their noviciate among the most finished adepts in the art, and return thoroughbred, irreclaimable profligates to that society which they had left raw and tender delinquents. If there were Infant Schools instead of Newgate schools, for receiving the children of the needy, a very different fate would attend those unhappy youths. Vice would be then prevented—nipped in the bud, instead of being fostered and trained up to maturity,—and more would be done to eradicate crimes, than the gallows, the convict-

ship, the Penitentiary, the treadmill, can accomplish, even if the prison discipline were so amended, as no longer to be the nursery of vice. That the number of Infant Schools is at present lamentably inadequate to produce any thing like such good consequences as these, needs hardly be shewn. In the thirty-three counties for which we have the Returns, there are only 2,200 such schools, with 65,000 scholars, so that instead of there being Infant Schools for about the mean proportion of one-sixtieth part of the population, there are schools for not much more than 160th part, not much above a third of the demand: and this average is very unequally distributed; for in all the most populous and manufacturing districts it is lower, Middlesex only excepted: thus in Lancashire the proportion is 1-212th, and in Cheshire, 1-223d. In the four northern counties there are hardly any Infant Schools at all, but the other schools are much more numerous than elsewhere.

I cannot quit the subject of the connexion between ignorance and crimes, without taking notice of an objection which has been raised to my argument. It is said, "Education is increasing, but offences are multiplying still faster than schools," and so men cry out, "You do no good with all your teaching." Upon this I must first observe that the increase of crime is not evidenced by the increase of prosecutions, as circumstances have operated to bring before the public of late years many violations of the law which were formerly committed, and not visited with prosecution. Those juvenile offenders are now in vast numbers prosecuted for felonies, who used before to be whipped by their parents or masters, after being taken before a magistrate. It is deemed expedient, in the great desire of criminal justice, to hurry the children off to gaol, there to be instructed in all the arts of consummate villany. Nor has any thing tended more to multiply such prosecutions than the recent alteration in the law, giving costs to the prosecutor out of the county rates. But if I am asked for proof that the connexion between vice and ignorance is intimate and apparent, I can prove it, should any one deem a proof necessary of a proposition so self-evident, by documents which leave no doubt whatever on the subject. One or two examples may suffice: 700 persons were put on their trials, in the winters of 1830 and 1831, charged with rioting and arson, and of those 700 (not all of the lowest rank of life, nor, as might be expected, of the worst offenders) how many could write

and read? Only 150; all the rest were marksmen. Of the number of boys committed to Newgate, during three years, two-thirds could neither read nor write. At the Refuge for the Destitute it is still worse; for from an examination there made, it appears that the number of children received, who can read with tolerable facility, is in the proportion of only one in every thirty or thirty-five. A respectable magistrate of the county of Essex, a Member of the other House of Parliament, has given evidence before a Committee of that House, and he states that nine times out of ten the persons who come before him are unable to write, and that he is obliged to take their marks instead of their signatures. With such glaring facts before us, I suppose I may be allowed to assert, that it is not mere speculation to connect ignorance with crimes.

The experience of other countries runs parallel with our own upon this important matter; and it is principally from a conviction of the truth which I have been propounding, that so general a disposition prevails among the rulers even of arbitrary governments, to promote public instruction. Indeed, the greatest exertions have been made for this purpose in those states, which have not, as yet, a free constitution. France, I am sorry to say, admirable as her present efforts are, must be reckoned among the lowest in point of actual amount of instruction, excepting, of course, Russia, and Turkey, the former of which is hardly within the pale of European society—the latter, certainly without it. As late as 1817, the proportion all over the French territory was one in thirty-five¹, while with us it was one in fifteen of the population. But this disgraceful state of things roused the noble spirit of that generous people;—philanthropic societies were every where formed—the Government lent its aid in founding schools, and in the space of only two years, the proportion was reduced to one in twenty-eight; so that schools must in those two years have been planted for no less than 215,000 children. Since that time, and under the present constitutional government especially, the progress has been rapid, and parochial instruction is now a branch of the law of the land. In Holland, it appears from the report of the celebrated Cuvier, that as early as

¹ That is, as before explained, there were schools not for one-ninth of the people, or for all children between seven and twelve; but only for one-thirty-fifth, or for one-fourth part of the children that require schooling. [*Lord Brougham's Note.*]

1812 there were schools sufficient for the education of 190,000 children, and that the proportion was one in ten, being equal to Scotland nearly. In Wurtemberg schools are required by law to be supported in every parish out of the church funds. In Denmark, Bavaria, and Saxony, they are supported by a parish-rate; and even in Russia, which I said was almost out of the European pale, so sensible is the autocratic government that it is necessary to educate the people, at least in towns, that the public funds maintain schools in all the town parishes. Sweden is, perhaps, the best educated country in the world, for it is there difficult to find one person in a thousand who cannot read and write. The accounts from those countries shew that the progress of Education, but especially of Infant tuition, has been attended with marked improvement in morals; and it is well-known that in Spain, the worst educated country in Western Europe, tenfold more crimes are committed of a violent description, than in Germany, England, and France. The opinions of the jurists and statistical writers in Prussia are strongly pronounced upon this subject; and I need not dwell upon what all your Lordships know, the regular system of even compulsory Education which prevails both there and in some parts of Switzerland.

But the third proposition which I undertook to demonstrate, relates to the kind of Education given at our present schools. Not only are those establishments too few in number,—not only do they receive children at too advanced ages,—the instruction which they bestow hardly deserves the name. You can scarcely say more in its praise, than that it is better than nothing, and that the youth are far better so employed than idling away their time in the streets. They learn reading, some writing, and a very little arithmetic—less it is nearly impossible to learn. I speak of the ordinary day-schools generally; and I affirm that to hear such places called seminaries of Education, is an abuse of terms which tries one's patience. Learning of that scanty kind is only another name for ignorance; nor is it possible that it should be better; for the schoolmasters are uneducated themselves; they know little of what they ought to teach; less still of the art of teaching, which every person who is only a little less ignorant than the children themselves, thinks he is quite capable of exercising.

It is strange to observe how far we are behind other countries in this most essential particular—the quality of our Education. It

should seem as if our insular prejudices had spell-bound us, as it were, by a word, and made us believe that a school means useful instruction; and that when we had covered the land with such buildings, whatever was done within them, or left undone, we had finished the work of instructing the people. I had lately an opportunity of observing what is now doing in almost every part of France, for the truly paramount object of making Education good as well as general. Normal Schools, as they are called,—places of instruction for teachers,—are every where establishing by the Government. This happy idea originated with my old and venerated friend, Emanuel Fellenberg,—a name not more known than honoured, nor more honoured than his virtuous and enlightened efforts in the cause of Education, and for the happiness of mankind, deserve. Five-and-twenty years ago he opened a school for the instruction of all the teachers in the Canton of Bern, of which he is a patrician. He received them, for the vacation months, under his hospitable roof, and gave them access to the lessons of the numerous learned and scientific professors who adorn his noble establishment at Hoffwyl. I blush for the infirmities, the imbecility of the order he and I belong to, when I add, that the jealousy of the Bernese Aristocracy prevented him from continuing this course of pure, patriotic, and wise exertion. But the fruits of his experiment, eminently successful as it proved, have not been lost. In other parts of the continent, Normal Schools have been established; they form part of the Prussian system; they have been established in other parts of Germany; and I have seen and examined them in all the provinces of France which I visited last winter. I have seen twenty in one, thirty or forty in another, and as many as a hundred-and-twenty in a third Normal School,—all teachers of youth by profession, and all learning their invaluable and difficult art. In fact, the improvement of the quality of Education has every where, except in England, gone hand-in-hand with the exertions made for spreading it and augmenting its amount, and has never been overlooked, as often as any Government has wished to discharge one of its most important and imperative duties,—that of instructing the people. It has never, save in our own country, been deemed wise to deal out a niggard dole of mental sustenance by teaching mere reading and writing, which is what we call Education, and we hardly ever look beyond it. Our neighbours, whom we habitually look

down upon, provide a system of learning far better deserving the name. In addition to writing, reading, and arithmetic,—geography, natural history, practical geometry, are taught, together with linear drawing, one of the most improving and useful exercises for the humbler classes—giving them not merely means of harmless recreation, but valuable habits of observation, and a capacity of acquiring precise ideas of external objects, whether of nature or of art, and proving actually gainful in almost every occupation, if any question of mere profit and loss is to be mentioned by the side of such considerations. This accomplishment is universally found not only most attractive to the working-classes, but most useful for the improvement which it gives them in their several occupations.

I have inquired of well-informed foreigners—not, certainly, in France—if, in addition to a little natural history and mineralogy, the children were not allowed to learn civil history also? The answer was, No; that is forbidden; and in certain countries, seats of legitimacy, it may not, without risk, be taught. So that the pupils learn the history of a stone, of a moss, of a rush, of a weed; but the history of their own country, the deeds of their forefathers, the annals of neighbouring nations, they may not read. They are not to gain the knowledge most valuable to the members of a rational and civilized community. History—the school of princes—must present closed doors to their subjects; the great book of civil wisdom must to them be sealed. For why? There are some of its chapters, and near the latter end of the volume, which it is convenient they should not peruse. Civil history, indeed!—the History of Rulers! Why that would tell of rights usurped,—of privileges outraged,—of faith plighted and broken,—of promises made under the pressure of foreign invasion, and for gaining the people's aid to drive back the invading usurper and tyrant, but made to be broken when, by the arm of that deluded people, that conqueror had been repelled, the old dynasty restored, and its members only remembered the invader and the tyrant to change places with him, and far out-do his worst deeds of oppressing their subjects and plundering their neighbours! History, indeed! That would tell of scenes enacted at their own doors—an ancient, independent, inoffensive people, overcome, pillaged, massacred, and enslaved, by the conspiracy of those governments, which are now teaching their subjects the history of the grasses, and the mosses, and the weeds;—tell them that the

Bible and the Liturgy were profaned which they are now commanded to read, and the christian temples where they are weekly led to worship, were desecrated by blasphemous thanksgivings for the success of massacre and pillage! It would tell them of monarchs who live but to tyrannize at home and usurp abroad—who hold themselves unsafe as long as a free man is suffered to exist—who count the years of their reign by just rights outraged, and solemn pledges forfeited—monarchs who, if ever by strange accident, the sun goes not down upon their wrath, exclaim that they have lost a day—monarchs who wear the human form, and think nothing inhuman alien to their nature! No wonder, indeed, that Civil History is forbidden in the schools of those countries! The tyrant cannot tear from the book the page that records his own crimes and the world's sufferings, and he seals it up from the people! But let us be thankful that despotism is, for the wisest purposes, made as capricious as it is hateful, and that those scourges of the earth who dare not have their deeds told, yet teach men the knowledge which must, in the end, extirpate their own hateful race.

Those seminaries for training masters are an invaluable gift to mankind, and lead to the indefinite improvement of Education. It is this which, above every thing, we ought to labour to introduce into our system; for as there are not more than two now established by the exertions of individual benevolence, and as, from the nature of the institution, it is not adapted to be propagated by such efforts, no possible harm can result from the interposition of the Legislature in this department. That there are already provided, and in the neighbourhood of this House, the means of improving our elementary Education, and of training good teachers, I have the satisfaction of knowing. In the Borough Road School of the British and Foreign Society, any of your Lordships may, at any time, see a seminary of great excellency. I have lately visited it in company with some of your Lordships, and certainly a more extraordinary spectacle of the progress of instruction among children I never beheld, or, indeed, heard of in any country at any time. It is really astonishing how the human faculties could, at so early an age,—indeed at any age,—be cultivated to such a degree. A dozen or two of the children were asked such questions as these:—"What is the interest of 535*l.* 7*s.* 4*d.* for fifteen seconds?" "How many men will stand, allowing two feet and a-half to a man, on three-quarters of an acre?" Scarcely

a minute was given for the answers, and they were as correct as they were instantaneous. The pupils were never puzzled in any case of calculation but one, and that must have been from some misunderstanding, for it was really the only question which I could have answered without pen and ink. But this marvellous display was not confined to arithmetic: among other things I saw a boy take a slate, without having any copy, and solely from memory trace upon it the outline of Palestine and Syria, marking all the variations of the coast, the bays, harbours, and creeks, inserting the towns and rivers, and adding their ancient as well as their modern names. Now all this is real, substantial, useful knowledge, fitted alike to exercise and to unfold the faculties of the mind, and to lay up a store of learning at once the solace of the vacant moments, and the helpmate of the working hours in after years. I feel quite certain that when those children leave the school they will be governed by such worthy principles, and stimulated by such generous appetites, as will make their pursuits honest and their recreations rational, and effectually guard them from the perils of improvidence, dissipation, and vice.

Here, then, is the path plain before us—for there is not a single school in which the children might not be thus trained and accomplished. Place Normal Seminaries—seminaries for training teachers—in a few such places as London, York, Liverpool, Durham, and Exeter—so that the west, south, north-east, and north-west of the island shall have the means of obtaining good masters, and you will yearly qualify 500 persons fitted for diffusing a perfect system of instruction all over the country. These Training Seminaries would not only teach the masters the branches of learning and science they are now deficient in, but would teach them what they know far less—the didactic art—the mode of imparting the knowledge which they have, or may acquire—the best method of training and dealing with children, in all that regards both temper, capacity, and habits, and the means of stirring them to exertion, and controlling their aberrations. The whole operation would occasion a very trifling expense to the State: I think 20,000*l.*, for five or six years would, with the individual efforts that must be called forth, suffice for reforming effectually the whole Education of the country.

I now come to another branch of the subject, which will bring me to the conclusion of my task, and release your Lordships for the

present: it is suggested by the consideration of expense to which I have just been adverting. There are already, we are often told,—and justly told,—great funds in the country devoted to the purposes of Education, and nevertheless, it is said, we would draw upon the public purse for more. No man is more ready than I am to admit the ample amount of those funds, and I will add that they are so applied as to produce a most inadequate accomplishment of the purposes to which they were destined by the donors. In many cases those funds are rendered absolutely useless by being withheld from the purposes for which they were designed; but in others they are almost equally useless from an opposite cause—from there being a too strict adherence to the letter of the Gift or Foundation, which the altered circumstances of society have rendered wholly inapplicable to any good purpose at the present day. If the Grantor or Founder has not given to the trustees a sufficient discretionary power over the property, they are unable to administer it to any advantage without the aid of a Private Act of Parliament. If they have no discretion in its application, they cannot provide for a partial or total failure of objects without the expense and anxiety of an application to the Court of Chancery, and even then the remedy is very incomplete. But the chief evil arises from Gifts to Education purposes, which are no longer of use in diffusing the requisite knowledge; and large funds, indeed, are thus rendered next to useless. Many a man thought, however, two or three centuries ago, that he was conferring a great benefit on his neighbourhood by establishing a Grammar-school, and endowing it with an estate, then worth two or three hundred pounds a-year, at present worth as many thousands. Now, the Court of Chancery holds that a Grammar-school is one exclusively devoted to teaching Greek, Latin, or Hebrew; and that to bestow the funds otherwise is a misapplication. I know of a foundation of this kind, in a large manufacturing town, with an income of some thousands a-year, and which offers to the numerous uneducated people a kind of instruction altogether useless; while writing, geography, ciphering, book-keeping, mechanics, chemistry, drawing, would be invaluable acquisitions to the whole community. I could name other schools of the same kind, with nearly as good an income, and which support well-endowed masters to teach two or three boys, because they are Grammar-schools. The true remedy here is to extend the powers of the trustees by law.

The imperfections of old foundations may well be illustrated by another example. Pious persons, in former times, thought that they did a good work when they established Foundling Hospitals. They imagined that such institutions would prevent child-murder and exposure of infants, and diminish the other evils arising from the illicit commerce of the sexes. As late as the last century this was the prevailing notion among tolerably sensible, and certainly, moral and religious people; and if their means had been commensurate with their wishes, we should have had a Foundling Hospital in every town in the kingdom. That delusion has, however, long ceased to prevail. All men are now agreed that such establishments are not charities, but nuisances of an enormous nature, having the direct effect of encouraging immorality and increasing infanticide; and the funds destined to support these hospitals have been otherwise applied, the name alone being retained. Machiavel says—that in political affairs you should beware lest in changing the name you alter the thing without intending it; but he also says, that it is sometimes good, when you would change the thing, to keep the name. This maxim has been fully acted upon in the case of the London Foundling Hospital, and I have seen the bad consequences of following the Machiavellian rule. When lately in France I made war upon Foundling Hospitals, and I found a formidable host of prejudices embodied in their defence; a host the more dangerous, that they had been enlisted in the service by the purest feelings of benevolence. I visited establishments of this description in every part of the south of France. While examining one, I was amused with the self-complacency of my conductors, whose countenances mantled in smiles, while they exhibited for my admiration what were considered the peculiar merits of their institution, especially its revolving box, with the bell, and the comfortable cradle, open at all hours of the night, and nurses ready to attend the summons, and charge themselves with the fruit of guilty passion, or improvident wedlock. Through this wicket, I was told that half the children in the house were taken in—their parents, of course, wholly unknown; while the remainder, (and here was the other boast of the hospital,) were received after the most careful examination of the father and mother. My opinion was expected, and, doubtless, a favourable one. I was compelled to admit, that I considered the arrangement, more especially the mechanism of the *tour* or turning cradle, to be quite

perfect—to be adapted with singular skill to its object; and I added, that if all the fiends below had met in council to contrive means of propagating immorality, certainly they could have invented nothing to surpass this. But when the rigorous system of examination was relied upon, and when I asked, “If they were quite sure no improper person, among the parents of the hundred children thus received, were suffered to participate in the advantages secured to deserted children?” the answer was—“None such could succeed in their application, because all were submitted to the most careful scrutiny as to their lives and circumstances.” “I dare to say not,” said I; “and further, that no persons ever present themselves who cannot stand the tests applied; for why should they, when they have only to go under cloud of night, and leave their infants in the cradle, ring the bell that calls the nurse, and walk quietly away?” It is needless to add, that no answer was made to this, because none could be given. At Bourdeaux, too, there is an institution of the same kind, where above 2000 foundlings are maintained; and these, as is quite sure to happen, have very much increased, being now one-third more numerous than they were five years ago; and I found that the bulk of the cases which came before the police, were of young men and boys who had been bred in the Foundling.

Many of my excellent and enlightened friends in France held the same opinions with me upon these subjects; but the majority, and especially of charitably-disposed persons, overbore us with their numbers, and by their amiable and meritorious, but inconsiderate and unreasoning, feelings of false benevolence. Those persons I always found citing against me the supposed fact, that we have in this metropolis a Foundling Hospital; indeed, a street deriving its name from thence, and a quarter of the town its property. My simple answer was, that the name alone had been for half a century known among us, the thing itself having long since been put down with consent of Parliament. In Dublin, too, the Foundling, one of the most dreadful abuses ever known in any civilized country, has, though much more recently, been abolished. In neither of these houses can a single foundling now be received. The parents are strictly examined before any child is admitted; and yet all the estates, and all the other funds, were expressly given for the single purpose of supporting foundlings! Who complains of Parliament for having wholly diverted those gifts from the only use to which

the pious benevolence of former ages consecrated them? Is not the answer sufficient to satisfy all men, that the benevolence being mistaken, and the purpose mischievous, though well meant, another use must be made of the property, and the bounty of the donors turned into a channel the donors never had dreamt of? So Lord C. J. Ellenborough publicly said, that if the Small-Pox Hospital was found hurtful it must come down, whatever good intention we might ascribe to its benevolent founders. If, then, Parliament could interpose in such instances, I say it has the self-same right to interpose its authority where there is a pernicious application of the funds given to other charitable purposes; and the locking-up an ample revenue from public use, because there are no children who require tuition in the learned languages, is a pernicious application of funds. From the Statute of Elizabeth¹ downwards, charitable funds have been subject to public control, and dealt with as public property; and the Acts of Geo. III. and IV., as well as of his present Majesty², have all recognized the right—the duty—the expediency—of such interference, without in the least disregarding the rights of property, or the power of the trustees, or others connected with the different trusts. But the remedies given by the law are still very imperfect, and of a kind not at all adapted to some of the most prevalent evils.

Beside such defects in the endowments as I have mentioned, there are few Education charities where an improvident application of the funds is not directed. Thus most of them are given not merely for the wholesome, and useful, and little expensive purpose of instruction, but also for feeding, and lodging, and clothing the children. Now, unless in certain comparatively rare cases, as that of orphans, a permanent fund of this sort is open to exactly the same objections which have weighed most with the Legislature in reforming the poor-laws—it is a fund for giving pay without work, and for promoting improvident marriages. That it is also a most wasteful application of money, there can be no doubt. I can illustrate this from the state of the London charities, Of thirty-six Education endowments in Middlesex, in the year 1819, the revenue was 31,000*l.* a-year, of which 22,000*l.* arose from permanent funds.

¹ 39 Eliz. c. 6; 43 Eliz. c. 4.

² 58 Geo. III. c. 91; 59 Geo. III. c. 81; 5 Geo. IV. c. 58; 10 Geo. IV. c. 57; 1 & 2 Will. IV. c. 34; 2 Will. IV. c. 57; 5 & 6 Will. IV. c. 71.

In these schools the number trained and educated by the foundation was only 2260, at a cost of nearly 10*l.* (the sum being 9*l.* 10*s.*) for each child. In four great London foundations the revenue, at the same period, amounted to 84.000*l.* a-year, and the number of children educated was 1620, being an average of 52*l.* a-year for each child, but of these numbers some were only day-scholars, as in the case of St Paul's school, which is limited to 153 boys in number; and as the expense of these was, of course, not so great (yet still, I think, from 20*l.* to 30*l.* a-year, which is inexplicably high), the average charge of the others is within a trifle of 54*l.* a-year. The average for Education in the Foundling Hospital was the enormous sum of 45*l.* a-year for each of the 195 children in-doors, while for 180 children in the country, the average was 11*l.* 5*s.*

Now, if a respectable Board were formed, it could do much for Education and for economy, without any rude or harsh interference. A Board composed of persons who are not retail tradesmen, and interested in jobbing with the funds, but men who derive authority from their station in society, and from their known disinterestedness in the discharge of a merely public duty, would be able, calmly and deliberately, to discuss the matter with the trustees, even of charities wholly supported by subscription. This we did, to a certain extent, in the Education Committee, and with marked success, though the interests of the tradesmen thwarted us at every turn,—those same tradesmen who rejected, at one institution, the proposition of Mr Justice Bayley, to prevent the house being furnished by articles from the shops of the committee of management, and thus made that most learned, most honest, and most humane Judge, withdraw in disgust from a charity which he found systematically perverted to purposes of the most sordid avarice. A Board possessed of due weight, and discreetly performing its duty, could, I doubt not, in a twelvemonth's time, convert the thirty-six endowments I first mentioned, into the means of giving the best possible Education to 30,000 children, instead of taking less than a twelfth part of the number off the hands of their parents, and maintaining them, with a very indifferent kind of tuition, at an enormous expense, to the great profit of the retail-trade trustee. The spirit of conciliation, mutual respect, and good-will, between the managers or trustees and this body, would, I confidently expect, frustrate these sinister views. The bulk of the subscribers, and of the trustees where there is

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instruction diffused among all the children of the humbler classes; but that is no object with the schoolmaster, who lives in the founder's house, and takes the profits of his land. The doors of his school are, no doubt, flung open; and there is no manner of doubt that the poor children may enter—if they dare. No doubt the boy may come in; the parent may send his child, if he had rather his child should suffer under and plague the master, than that he himself should suffer, by being plagued with the child at home. If he be so careless of vicarious suffering in his child's person, he may thrust him from under his own eye, and place him under the rod of the endowed schoolmaster, who, I freely admit, will never shut the door in the child's face, nor ever tell him to depart, nor in words threaten the parent, or forbid him—the endowment must, in no wise, be openly violated. But this I also know, that the Master of the Charity School has boarders, children of a higher rank and station, under his care and in his house,—the very last creatures in the world that the founder ever dreamt would enter it. The wary Master knows full well how the children of the better classes dislike to associate with Charity Boys; he feels that as the number of unprofitable pupils increases, the number of profitable ones falls away; and therefore although the door is open, the face of the Master is not; on his brow sits the frown perpetually; his hand beckons not to entice the pupil of humble degree, the sole object of the donor's bounty; it is lifted only in anger, and as the instrument of punishment; and the boy, not the teacher, is of course always in fault. Thus I have lately heard in Chancery proceedings of amply-endowed schools, the poor scholars of which had fallen off from 100 and 150, to one, two, and three; and yet the foundation exists, the Master exists, the house exists, the fund exists for the repairs, and the furniture, and the taxes. The name of the school is, or has been, celebrated as an endowed establishment, but its reputation is among the wealthy, whose children are there boarded at large prices, and taught Greek, and Latin, and fencing, and the dance, while no man knows that it is all the while a Charity School, the benefits of which have been handed over to be enjoyed by the rich, and to serve the interests of the Master. Now, in many endowments the power of the trustees to impose conditions is doubtful; in others, some college at Oxford or Cambridge appoints a Fellow, and takes care to fetter him by no restrictions. And even if conditions are attached

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on the nomination by trustees, and the master breaks them, who is to undergo the pains and the perils of a Chancery-suit in order to accomplish his removal? Indeed, if the trustees neglect to require a fulfilment of those conditions, no one can, by any proceeding that I know of, compel them to call for a performance: in fact, the superintending power of equity is little better than nominal. The doors of Chancery, like those of the School, are open to all, but there is the schoolmaster's frown and his rod to be encountered, in the one, and the heavier rod and sterner scowl of the Master's Office in the other. I hold it to be of essential importance, therefore, that there should be the power of removal vested in the trustees, and in the Board.

My Lords, according to the tenor of the observations with which I have detained your Lordships, the Resolutions are framed, which I now respectfully submit to your consideration. I have delayed bringing them forward, not from any indisposition on my part, but because immediately after I originally gave my notice the Government was changed; and though I took no part whatever in any of the arrangements consequent upon that event, I found all parties were so engrossed with them, that nobody would throw away even a thought upon a subject like the Education of the People, until the crisis was at an end. This is the only reason of the delay. I now move your Lordships,—

“1. That although the number of Schools where some of the elementary branches of education are taught, has greatly increased within the last twenty years, yet that there still exists a deficiency of such Schools, especially in the metropolis and other great towns, and that the means of elementary instruction are peculiarly deficient in the counties of Middlesex and Lancaster.

“2. That the Education given at the greater number of the Schools now established for the poorer classes of the people is of a kind by no means sufficient for their instruction, being for the most part confined to reading, writing, and a little arithmetic; whereas at no greater expense, and in the same time, the children might easily be instructed in the elements of the more useful branches of knowledge, and thereby trained to sober, industrious, prudent, and virtuous habits.

“3. That the number of Infant Schools is still exceedingly

deficient, and especially in those great towns where they are most wanted for improving the morals of the people, and preventing the commission of crimes.

"4. That while it is expedient to do nothing which may relax the efforts of private beneficence in forming and supporting Schools, or which may discourage the poorer classes of the people from contributing to the cost of educating their children, it is incumbent upon Parliament to aid in providing the effectual means of Instruction where these cannot otherwise be obtained for the people.

"5. That it is incumbent upon Parliament to encourage in like manner the establishment of Infant Schools, especially in the larger towns.

"6. That for the purpose of improving the kind of Education given at Schools for the people at large, it is expedient to establish in several parts of the country Seminaries where good Schoolmasters may be trained and taught the duties of their profession.

"7. That there are at present existing in different parts of the United Kingdom funds, as well real as personal, to a large amount, given or bequeathed to Charitable Uses connected with Education, but which, partly from want of objects in the particular places to which such gifts are confined, partly from want of proper powers in the Trustees, partly from other defects in the Foundations, and partly from a change in the habits of the people, have become, in many instances, unavailing to the purposes for which they were originally intended, and are now productive of very inadequate benefit to the country; while, from want of publicity, abuses frequently creep into the management of them, only to be remedied by tedious and expensive litigation.

"8. That in order to superintend the due and just application of the funds, from time to time, voted by Parliament for the promotion of Education, to establish proper Seminaries for training teachers, to encourage the trustees of Charities connected with Education, in using beneficially the powers now possessed by them, to watch over the abuses of trust committed by such trustees, and to control the exercise of such new powers as Parliament may grant them, it is expedient that a Board of Commissioners be appointed, with powers and duties to be regulated by Act of Parliament.

"9. That it is further expedient to give such Board a power of

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on the nomination by trustees, and the master breaks them, who is to undergo the pains and the perils of a Chancery-suit in order to accomplish his removal? Indeed, if the trustees neglect to require a fulfilment of those conditions, no one can, by any proceeding that I know of, compel them to call for a performance: in fact, the superintending power of equity is little better than nominal. The doors of Chancery, like those of the School, are open to all, but there is the schoolmaster's frown and his rod to be encountered, in the one, and the heavier rod and sterner scowl of the Master's Office in the other. I hold it to be of essential importance, therefore, that there should be the power of removal vested in the trustees, and in the Board.

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TEXT OF MR. ROEBUCK'S SPEECH OF JULY 30, 1833
(*Hansard*, VOL. XX, COLS. 139-166).

Mr ROEBUCK rose to move a Resolution in conformity to his notice, that the House would, with the smallest delay possible, consider the means of establishing a system of National Education; and spoke as follows:—Although the subject to which I am now about to solicit the attention of the House, can be surpassed by none in the importance of its influence upon the well-being of society; although none even at this time more imperiously demands consideration from the rulers of the people; yet all this, notwithstanding, I dare not, in the present temper of the political world, request the House to listen to anything like a complete exposition of my opinions and my plans respecting it. Men's minds are now in a ferment on matters solely of immediate import—the interest of the day, the pressing urgency of the present moment, are those alone which can command the consideration of the existing race of politicians. It would, therefore, be idle to hope, that a subject like general education could engage their favour, or even occupy their thoughts. Its results are distant—the benefits to be expected from it can only be attained by the slow operation of time, patience, and industry. There is nothing to raise the wonder and admiration of the ignorant many—no party—no individual purposes can be served by promoting it—nought can be obtained by its assistance, but the pure unalloyed benefit of the community at large—no wonder, then, that it has been so long, so steadily, so pertinaciously neglected. For so unpopular a cause I cannot hope to gain more than a brief, a very brief hearing. Amidst the jar of political warfare, I may, however, if peculiarly fortunate, obtain one moment of calm. Tired of contention, a slight truce may be agreed on by hostile parties; and for this brief interval they may be content to listen, by way of relaxation, to suggestions relating merely to the vital interests of society, unconnected with party, passion, or individual interests. I even have been too long in the stormy world of politics, and know too well the temper of this House to demand anything beyond this very slight and imperfect consideration of the great subject to which I am now endeavouring to obtain its attention. I will at once state

filling up the numbers of trustees, when they have fallen below the quorum in any will or deed of foundation, subject to the approval of the special visitor, where there is one, and to authorize, subject to the like approval, the sale, mortgage, or exchange, of any property given to Charitable Uses, connected with Education, for the promotion of the objects of the Foundation, as far as these may be deemed beneficial to the community.

"10. That it is further expedient to give such Board a power, subject as aforesaid, of directing the trustees of any Grammar-school, where the funds are sufficient, to apply such part thereof as may not be wanted for teaching Grammar, in providing the means of common and improved Education for the people at large.

"11. That it is further expedient to give such Board a power, subject as aforesaid, with consent of the trustees, and subject to appeal to the King in Council, to apply a portion of the funds entrusted to them in such a manner as to produce a more general benefit, and at a cheaper rate, in the Education of the people at large, where the particular employment of the funds directed by the founder has become difficult from want of objects, or prejudicial from the employment pointed out being no longer beneficial to the community.

"12. That it is further expedient to give such Board the power, in conjunction with the trustees, of imposing conditions upon the masters of endowed schools, in respect of taking boarders, and otherwise conducting themselves, and of removing them with consent of the trustees, in case of breach of such conditions.

"13. That it is further expedient to give such Board the power of calling, from time to time, for accounts of the management of Endowed Schools, both from the trustees and from the teachers.

"14. That it is expedient to require all trustees of Charities connected with Education, to deliver yearly to his Majesty's Principal Secretary of State, an account of all sums of money received and expended by them in the execution of their trust."

I now beg leave to propose that, with your Lordships' permission, these Resolutions be read; and it is my intention to move that the further consideration of them be postponed, by adjourning the debate.

then, Sir, to obtain the assent of the House to the Resolutions I shall have the honour to propose, I must make a few—necessarily a few—observations on the three following subjects—subjects indeed distinct, though intimately related to each other. I would first solicit the attention of the House to the more prominent benefits to be obtained by a general education of the people. Secondly, I would endeavour to show why the Government should itself supply this education; and, lastly, I shall attempt to trace a rude outline of a plan by which every inhabitant of this empire might receive the instruction requisite for the well-being of society. At the outset, to prevent misconception, I may be permitted to describe what I mean by education. The narrow acceptation of this term so generally received, has done infinite mischief. Education is usually supposed to signify merely learning to read and write, and sometimes, by a stretch of liberality, it is made to include arithmetic. But this is not education, it is simply some of the means of education. In ordinary conversation, when men say that education cannot relieve the necessities, or cure the vices of the people, they mean that learning to read and write cannot do this; and in so saying they are right. Putting a hammer and saw into a man's hand does not make him a carpenter; putting a flute into his hands does not make him a musician; in both cases you give him certain instruments, which if he have the knowledge requisite, he may use to good purposes, but if he do not possess it, they will prove either useless or mischievous. So it may happen with the instruments of knowledge. Unless the mind be trained to their exercise—unless the will and the power to turn them to good purposes, be conferred, not only will they be useless, idle powers, but they may be made eminently mischievous. But this narrow, vulgar acceptation of the term education, is not the correct one. Education means not merely the conferring these necessary means or instruments for the acquiring of knowledge, but it means also the so training or fashioning the intellectual and moral qualities of the individual, that he may be able and willing to acquire knowledge, and to turn it to its right use. It means the so framing the mind of the individual, that he may become a useful and virtuous member of society in the various relations of life. It means making him a good child, a good parent, a good neighbour, a good citizen, in short, a good man. All these he cannot be without knowledge, but neither will the mere acquisition of knowledge confer

to the House the course I intend to pursue. [My purpose is, at the close of the few observations with which I mean to trouble you, Sir, to propose a Resolution, by which this House will acknowledge as a principle of Government, that the education of the people is a matter of national concern; that, as such, it ought to be the object of the most immediate, continued, and sedulous attention on the part of the Legislature; and that, therefore, in the next coming Session, this House will earnestly endeavour to frame some plan for the universal education of the people.] It may, and perhaps will, be said, that this might have been delayed until the next Session, and our time might at present be thereby economised. This, to me Sir, appears an unwise economy. If the House adopt my suggestion, one step, and that a very important one, will have been gained. It being generally understood that the House of Commons acknowledges the great principle that the Government ought to superintend the education of the people, the attention of thinking men will be directed to the subject, and various matters suggested, by which the control and aid of the Government may be rendered efficient; and thus, when we proceed next Session to the investigation of the subject by a Committee, we shall find men's minds prepared on it, and not surprised and taken unawares. The enunciation of the principle is all that we could at first attempt, and there is no reason why that should not be done at the end as well as the beginning of the Session. Let no one say, that it is an abstract question leading to no practical result. This talk about abstract questions is usually an unintelligible jargon, it would be so in the present case. In order to establish eventually a mode of general education, certain preliminary steps must be taken by the Legislature. Ours, from the nature of things, is an operose machinery—what a despot would do, by the mere force of his will, we must do by influencing gradually the will of others. Now, one of these preliminary steps, one which must be taken, is to enunciate to the nation at large, our acknowledgement of the principle. This acknowledgement is itself a practical proceeding, and it leads also directly, and necessarily almost, to the establishment of the means of educating the people—in other words, it leads directly to, it is the necessary forerunner of, an important practical result. Such being the case, it is to be hoped that no one will, on the present occasion, feel indisposed towards the Resolution to be proposed, as not being of a practical description. In order

could, and what a government could not do to relieve their distresses—they would learn what depended on themselves, what on others—what evils resulted from evil authority, what from popular ignorance and popular vice. Of all the knowledge that can be conferred on a people, this is the most essential; let them once understand thoroughly their social condition, and we shall have no more unmeaning discontents—no wild and futile schemes of Reform; we shall not have a stack-burning peasantry—a sturdy pauper population—a monopoly-seeking manufacturing class; we shall not have a middle class directing all their efforts to the repeal of a single tax, or to the wild plan of universal robbery; neither will there be immoral landlords wishing to maintain a dangerous corn monopoly; or foolish consumers, who will suffer it to remain. We shall have right efforts directed to right ends. We shall have a people industrious, honest, tolerant and happy. We often hear outcries against education, based on its dangerous consequences to the peace of the community and the security of property. It is asserted that men will wish to leave their actual station, and be unfitted for the common duties of life, by being taught to long for a higher and more luxurious condition. This whole outcry is grounded on a gross, and, one would have imagined, remarkably apparent fallacy. First, there is a misconception as to the meaning of the term education; and next, a rule is drawn from certain peculiar cases now happening in society, to the detriment of an universal education. What, however, may be true of a peculiar case, when only a portion—and a small portion—of the people receive education, will not be true, when the whole body are instructed. When the whole people are instructed education, even in the narrow sense of the term, will not, as now, be a thing of rare occurrence, and thereby a distinction—all will be alike; and no peculiar privilege will be sought by an individual because he happens not to be as ignorant as a savage. The Archbishop of Dublin in his excellent work on Logic, thus technically and forcibly describes this very fallacy:—‘Thus, in arguing, by example, &c., the parallelism of two cases, is often assumed, from their being in some respects alike, though perhaps they differ in the very point which is essential to the argument—e.g., from the circumstance that some men of humbler station, who have been well educated, are apt to think themselves above low drudgery, it is argued, that universal education of the lower orders would beget general

on him these qualities; his moral, as well as his intellectual powers, must contribute to this great end, and the true fashioning of these to this purpose is right education. Such, Sir, is the acceptation which I attribute to the term education. The actual training of the human being in his moral and intellectual being, whatever that training may be, good or bad, is education. The wild Indian, the dull and plodding peasant, and the far-sighted philosopher, are all educated. But to be rightly educated is to be made what I have just described—and when I hereafter speak of education, I shall intend good education. Were I to attempt any description of the mode of training which leads to this so desired result, I should exceed the patience of this House and my own physical powers. Such a description would be a work of months, not of minutes; the labour of a life, not the effort of some hours' consideration. I shall assume throughout, not only that such a training can be discovered, but that we have actually discovered it. I now will attempt to point out one or two results from such a training not usually adverted to, though of unspeakable importance; and I do so the more readily, because they are well calculated to attract the attention of the leading classes of existing politicians. While so doing, doubtless I may incur censure from the misjudging friends of the popular cause—but sure I am, that its more enlightened and virtuous supporters will bear testimony to the truth of what I utter. I need hardly, I think, Sir, do more than suggest to this House, that of the many evils which afflict mankind as members of political societies, there are many, very many, which are utterly beyond the control of Government, no matter how wisely fashioned, how virtuously inclined. In other words, we may say, that if there were this day in our own, or any other country, established a government perfect in its form, and in its composition completely virtuous, still the happiness or misery of the people would not be completely at its command. Of the evils which men suffer, it is true, some portion, ay, and an important portion, may be controlled by a government; but there is a still larger, far more important portion, which depends solely on the people themselves. Now, one of the first, one of the most important results from a proper education of the people, would be a thorough understanding on their part of the circumstances on which their happiness depended, and of the powers by which those circumstances were controlled. They would learn what a government

could, and what a government could not do to relieve their distresses—they would learn what depended on themselves, what on others—what evils resulted from evil authority, what from popular ignorance and popular vice. Of all the knowledge that can be conferred on a people, this is the most essential; let them once understand thoroughly their social condition, and we shall have no more unmeaning discontents—no wild and futile schemes of Reform; we shall not have a stack-burning peasantry—a sturdy pauper population—a monopoly-seeking manufacturing class; we shall not have a middle class directing all their efforts to the repeal of a single tax, or to the wild plan of universal robbery; neither will there be immoral landlords wishing to maintain a dangerous corn monopoly; or foolish consumers, who will suffer it to remain. We shall have right efforts directed to right ends. We shall have a people industrious, honest, tolerant and happy. We often hear outcries against education, based on its dangerous consequences to the peace of the community and the security of property. It is asserted that men will wish to leave their actual station, and be unfitted for the common duties of life, by being taught to long for a higher and more luxurious condition. This whole outcry is grounded on a gross, and, one would have imagined, remarkably apparent fallacy. First, there is a misconception as to the meaning of the term education; and next, a rule is drawn from certain peculiar cases now happening in society, to the detriment of an universal education. What, however, may be true of a peculiar case, when only a portion—and a small portion—of the people receive education, will not be true, when the whole body are instructed. When the whole people are instructed education, even in the narrow sense of the term, will not, as now, be a thing of rare occurrence, and thereby a distinction—all will be alike; and no peculiar privilege will be sought by an individual because he happens not to be as ignorant as a savage. The Archbishop of Dublin in his excellent work on Logic, thus technically and forcibly describes this very fallacy:—‘Thus, in arguing, by example, &c., the parallelism of two cases, is often assumed, from their being in some respects alike, though perhaps they differ in the very point which is essential to the argument—e.g., from the circumstance that some men of humbler station, who have been well educated, are apt to think themselves above low drudgery, it is argued, that universal education of the lower orders would beget general

idleness; this argument rests, of course, on the assumption of parallelism in the two cases—viz., the past and the future; whereas there is a circumstance that is absolutely essential in which they differ, for when education is universal it must cease to be a distinction—which is probably the very circumstance that renders men too proud for their work.' Again, it should be observed that the education intended is expressly the teaching and training men to be all in their several conditions useful to themselves, their neighbours, and society. In the existing condition of society, however, it is worse than idle to say, that this cannot be effected by education, and thus to attempt a continuance of our present situation. If, as heretofore, the majority of mankind were content to be a slumbering mass—an inert and utterly inactive body—then the policy, as a selfish policy—might possibly be defended. But this is no longer the case. The business of Government is not, and can no longer be, the affair of a few. Within these few years a new element has arisen, which now ought to enter into all political calculations. The multitude—the hitherto inert and submissive multitude—are filled with a new spirit—their attention is intently directed towards the affairs of the State—they take an active part in their own social concerns, and however unwilling persons may be to contemplate the fact, any one who will calmly and carefully watch the signs of the times, will discover, and if he be really honest and wise, will at once allow, that the hitherto subject many are about to become paramount in the State. I speak not now in the character of one desiring or fearing this consummation, but merely as one observing the passing events around me, and I mention the coming circumstance in the same spirit as that in which an astronomer would predict an eclipse; to me the result appears inevitable; and I therefore cast about me to learn in what way this new force may be made efficient to purposes of good, and how any of its probable mischievous results may be prevented. Although I be one who believe that no good Government can be attained without the concurrence of the people—to speak in still plainer terms—that the people will never be well governed until they govern themselves—still I am far from believing that the golden age will be attained merely by creating a Democratic Government. The people at present are far too ignorant to render themselves happy, even though they should possess supreme power to-morrow. Of the many evils even which they now suffer, the

larger part arises from their own ignorance, and not immediately from the Government. The Government, indeed, does not inflict much direct and positive oppression, although it produces immense indirect mischief. Indeed the evils of bad Government in this country are, for the most part, not of a positive, but of a negative description. The Government does not often immediately inflict misery on the people by any brutal or bare-faced oppression—but by abstaining from its duty, by shrinking from doing the good that it ought to do, enormous misery is allowed to continue. By fostering and perpetuating ignorance among the people, it inflicts more injury than by any or all of its direct oppressions—all its immense taxation, considered as a burthen, is a feather in the scale when compared with the ills produced by the ignorance it has engendered. Could we enlighten the whole population—could we at one moment give all of them knowledge and forethought—a thorough understanding of the circumstances on which their happiness is dependent—and at the same time endow them with fortitude to resist present temptations to enjoyment—in a few short years they would laugh at the taxes, when called a burthen, and wonder at those who believed, that so long as they existed, no happiness for the people could ever be known. This, Sir, is not a popular doctrine. It is one, nevertheless, which I have long held, and always openly avowed. Holding it, I have been, and am a strenuous advocate of education, as well as a fervent admirer of popular institutions. I am not the less desirous of remedying the ills arising from bad Government, because I see that many arise from popular ignorance. Neither shall I the less strenuously resist the present improvident expenditure of the Government, even though I see that its mischief is much overrated. One of the great reasons, however, for which I seek for thoroughly popular institutions is, that by this means the attention of the people might be steadily directed to the chief great causes of their misery. Bad Government no longer existing, that could not be deemed the source of all ill; they would then set themselves strenuously to discover wherein the mischief lay; and seek with something like a reasonable conduct, to apply the remedy. So long as our present faulty institutions, and faulty conduct continue, so long, I fear, will their attention be misdirected, and their efforts unavailing. Before I leave this part of my subject, there is one other beneficial result to which I would advert in very general terms. It is of a

practical nature, and is connected with matters thought of immediate import even by the practical politicians of the day. It should be remembered that no system of police or of punishment, and no system for the regulation of the poor can be complete without embracing education as a part of the means to be employed. In support of the first part of this assertion I will make two short quotations. On the first I do not rest as an authority; but I take it merely as explicitly stating my ideas on the question; it is extracted from an article in the last number of *The Jurist*, on the punishment of death [Here the hon. Member read the quotation]. In the next extract, however, I do rest with great confidence, as I know of no higher authority in the whole range of practical legislators. This extract is taken from the introduction to the Code of Prison Discipline established in Louisiana, which code, as must be well known to everyone in this House, was framed by the profound and philanthropic Livingston [Here the hon. Member read the extract]. I now take leave of this part of my subject with this single remark:—In the observations which I have made respecting the advantages to be derived from a general or national education, I have abstained from any appeal to those singular and exalted motives which may be supposed to actuate the philosopher and philanthropist in their efforts to ameliorate the condition of mankind. I have not attempted to prove, that a people accustomed to derive their chief enjoyments from intellectual sources can alone be a happy people. I have not attempted to describe as the end to be obtained (thereby attempting to make that end the chief motive to exertion) the exalted and ennobling spectacle of a highly enlightened nation, among whom the law had become simply a rule of conduct, which all cheerfully followed, with hardly any other sanction than public opinion, among whom the governing authority was a guide zealously followed without threats and without cavil. I abstained, Sir, I say, from all appeals of this description; for although these to some might have been the most potent arguments, I fear that in the present temper of the political world, had I indulged in this course of remark, I should thereby have received the censure of being an idle dreamer, a wild and dangerous enthusiast. I now, Sir, proceed to the second object which I proposed to myself—namely, attempting to point out the necessity of making the education of the people the business of the Government. In the first place, Sir, I would beg

to remark, that this idea is not only not a new one, but that at this moment the most enlightened nations of the earth have taken upon themselves that task, which I am now endeavouring to recommend to the consideration of this House. Within a few days we have seen a law passed to this end by the Legislature of France—a precedent which I pray to God we may have wisdom to follow. In Prussia and in Saxony a more complete system of public instruction is now in operation than has ever yet had place in any nation of the world. Speaking of these two nations, with respect to their systems of education, Professor Cousin pointedly observes—"I consider France and Prussia the two most enlightened countries in Europe—the most advanced in letters and in science—the two most truly civilized, without excepting England herself—all bristling with prejudices, Gothic institutions, and semi-barbarous customs over which there is awkwardly thrown the mantle *d'une civilisation toute matérielle*." I cannot pass this work of Professor Cousin, without pointing out as an example to our own Government, the circumstances which produced this admirable work. The French Government, desirous of framing a law on this all-important subject, and not being too proud to learn from the experience of others, sent one of its most renowned philosophers to make inquiries on the subject. It sent him, too, into a State to which the people of France are peculiarly hostile—namely, Prussia; thus showing that idle prejudices could not divert them from the path which wisdom pointed out. I may also mention, that, in America, the magnificent provisions for this same great object surpass all that the world has seen before. The single state of New York has dedicated to the advancement of knowledge a prospective revenue that must shortly surpass the whole revenue of the State, and more than equal to the enormous sums which we lavish upon our Government. Passing, however, from the authority derived from these striking examples, I would endeavour to rest the question upon its individual merits. No one, I suspect, will dispute that it is the duty of the Government not merely to punish all infractions of security, whether as regards person or property, but also to prevent, as far as possible, all such infractions. Neither will it be denied, I think, that among the most potent means of such prevention is a good education of the mass of the people. If, then, we seek no higher ground, we may here safely rest, and say, that, as mere matter of police, the educa-

tion of the people ought to be considered as a part of the duties of the Government. If, however, we do seek a higher ground, the argument becomes stronger. If we consider it the business of Government not merely to prevent evil, but also, by the concentrated force of the social system, directly to promote good—to increase, by all the means which its powers confer on it, the happiness and well-being of its subjects—then the mode in which the people are educated ought to be one of its first and most important subjects of consideration. We find that, in order to maintain the peace of society, the Government takes upon itself the business of administering justice—for the better regulation of the mercantile transactions of its subjects, it takes upon itself the regulation of the money of the country—for the furtherance of intercourse it superintends the roads of the country;—and in a hundred other ways shows, that it does take an active part in the actual promotion of the well-being of the community. It makes laws, also, for the regulation of public morality, thus actually making the business of training of the public mind one of its attributes. Inasmuch, then, as this training is among the chief means of regulating public morality—as it is one of the chief means of furthering generally the well-being, the happiness of society—insomuch, we may say, without fear of refutation, that the business of education ought to be deemed one of its chief concerns. There are, however, some objections made to this statement, which I deem it right here to notice. The first on which I shall remark comes usually from persons favouring the popular cause, and dreading the influence of Government. It is dangerous, they say, to put such an instrument as education into the hands of Government; lest thereby the public mind be debauched, and slavish ideas and habits alone be propagated. My answer to this objection is two-fold. First, I observe, that by the plan which I should propose, no such result would be produced, because, though I propose to make the education of the people a matter of national and not merely individual concern, I should propose that the persons to determine, in the last resort, on the subject matter of instruction, and on whom the actual task of instruction shall fall, should be the people themselves; the people acting, however, in a public, and not in a private capacity. But secondly, I observe, that I cannot admire the policy of those whose sole end seems to be to bind the hands of Government, and who fancy that a good Government is

one totally without power. I know, indeed, that this policy has been followed almost invariably by the friends of the popular cause in England. All their efforts have been directed to the end of rendering the Government harmless, powerless to good as well as to evil purposes. They seem studiously to have avoided the consideration of a means of making the Government strong to useful, weak to mischievous purposes. Another objection, which I here deem it right to notice, does not, indeed, claim attention from its own interest or cogency, but merely because it comes from an authoritative quarter. It is this:—If the Government take upon itself the business of popular education, it is said, that private contributions and efforts to the same end will cease, and thus one means of connecting the different classes of society, the poor and the rich, will be destroyed. My answer to this is, that I see no reason for believing that the efforts of the more enlightened classes would relax; on the contrary, I have very great hope of seeing in consequence of an improved plan, a much more constant and affectionate communication between different classes of society, than any which now exists. The efforts, indeed, of all would be more systematic, more sustained, less guided by caprice in individual differences of character and feeling. What is now whim, or the result of peculiar and individual sympathies, and therefore called charity, would then be constant, would be considered a duty, and would thus be far more effective than now. It is true there would be no patronage in the case—there would be no charity-schools of this or that individual—there would be no ostentatious display of aid on the one hand, and abject subservience on the other. The children of the poor man would receive instruction and incur no obligation but to the State—no painful feeling of degradation would attach to it; whereas now a stigma is affixed to every one who receives gratuitous instruction. No independent and exalted feeling can arise amongst those whose existence is marked, every day of their lives, with the broad indelible stain of living by the bread of others. But this objection, in fact, arises from a thorough misconception of the mode in which any well-digested scheme of education would attempt to attain its end. In our Government (and for the present we need not travel beyond it) the real control is in the hands of the more wealthy portions of the population; and, even in the most democratic states, the actual business of Government falls very much upon them. But those are

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the very persons who now contribute, from their private purses, towards the gratuitous education of the poor. As the leisure class must, of necessity, be the most instructed, and as we should wish the most instructed to undertake the office of instructors, it is this leisure class that would in a good Government—always indeed subject to the control of the mass of the population—be the guides to the rest of the people in the business of education, as also of Government. But, instead of being such guides in their private capacity, and subject to no responsibility, they would be so, in a public and responsible character. Excepting under a despotism, a people can never, as a mass, be raised by any sudden steps above the most civilised classes of the community. You may, indeed, bring the mass up to the highest; and you may, by slow degrees, afterwards hope to raise the general standard. But where the people are to be the instruments of their own improvement, we can only hope to improve them imperfectly at first, and only step by step. The great object, however, in any plan of general education would be to make the most instructed classes the guides; and there is no way, in our country at least, more effectual to this purpose, than by making the mass of persons, who really constitute the governing body, these guides; and as the object is, not merely to make them guides, but active and effectual ones, it would be advisable to make it their duty to perform this important service thus required of them. Do what we will, say what we will, this class must guide and govern; our business ought to be, to act in both capacities under a constant feeling of immediate and urgent responsibility. There is one other and more potent argument, however, against leaving the means of popular education in its present state—and that is, the hitherto imperfect success of all private efforts to educate the people. If the matter were one of minor import, we might, perhaps, be justified in leaving it still to chance; but as it involves the entire happiness of the community—as without a much more complete system of education this happiness can never properly be provided for, all tampering with the difficulty—all hesitation or carelessness as to pursuing the course open before us, is in the highest degree criminal as well as absurd. We all of us seem to feel the necessity of supervising our Criminal Code—our Code of Prison Discipline—our Poor-laws; but all these are only off-shoots of, or adjuncts to, a system of Education. That is the great touch—the main-spring of the whole. We allow

crime and misery to spring up, and then attempt, by a vast and cumbrous machinery, to obviate the mischief. We punish, we do not prevent—we try to put down effects, without caring for the cause. Like ignorant physicians, our minds are absorbed by a consideration of symptoms, while the disease is making head, to the utter destruction of life. And why are we thus remiss? Shall it be said, that because simply the benefit of the whole community was concerned in the matter, and no selfish interest could be promoted by it, we were careless regarding it? Shall it be said, that the Government of England only abstained from interference in that case where its assistance might have been afforded with the most pure and unalloyed benefit; and that though boasting of our acts and our learning, and proudly claiming to be placed at the head of the civilized world, we were content to suffer the mass of our population to be educated as chance might direct, and to form what habits and desires the merest hazard might determine; that while we minutely inspected, and jealously guarded the interior of a beer-house, the school that was next door, where the minds of all the parish—and not a few—might be framed to good or evil, was passed by with utter—ay, and scornful—indifference. I have now arrived at the last object, which I proposed to myself at the outset. After having touched upon some of the more prominent benefits to be derived from a general education of the people, and pointed at some of the advantages likely to result from the assumption by the Government of the office of instructor, I have now, Sir, to give a rough sketch of the manner in which this general education might be effected. When considering any system of education, we must carefully divide from each other; first, the subject-matter of instruction; second, the various machinery by which this instruction is afforded; and third, the supervising and contending authority which regulates the whole. Much confusion has unluckily been created by not paying attention to this very obvious division. Premising then, Sir, that I shall endeavour to keep these very dissimilar things perfectly separate, I shall proceed, at once, to the exposition of my plan; remarking, however, that though these matters be distinct, they, in description, will constantly run one into another; and that, consequently, I must often anticipate a knowledge of parts of my plan, when, in reality, I have not yet described it. This is a difficulty attendant on all subjects, complicated as this is, and by

no means resulting from any peculiar division of it. The first great innovation that I would strenuously recommend is, to make the education of the children no longer dependent on the mere will of the parents or guardians. I would make it a matter of necessity—in other words, would pass a law, making it an offence to keep a child from school between certain years of age. By the Prussian code this duty is enforced in the following words:—"Art. 43. Every inhabitant who cannot, or who wishes not to give his children at his own house such instruction as is deemed necessary, is obligated (obliged) to send them to school (*i.e.* to the national school) from the age of five years, accomplished." "Art. 44. Starting from this age no child can be absent or keep from school for any time, if not on account of peculiar circumstances, and with the consent of the civil and ecclesiastical authority." These various quotations express pretty distinctly what I intend. In general terms, I would say, that I would oblige, by law, every child in Great Britain and Ireland from, perhaps, six years of age to twelve years of age to be a regular attendant at school. If the parents be able to give, and actually do give their children elsewhere sufficient education, then they should not be compelled to send them to the national school. If, however, they should be unable or unwilling to give them such instruction, then the State should step in and supply this want, by compelling the parent to send the child to the school of the State. Now, Sir, I feel well persuaded that this declaration will be exceedingly unpopular in many quarters. There are two classes of objections to it that I will here notice, observing at the outset of my reply to them, that I consider this compulsion absolutely essential to the success of any scheme of general education. It must be recollected that the power of the parent over the child is a fiduciary power—a power surrounded by various obligations both to the child and to the public. The chief of these is to educate the child in such a way that he be a virtuous citizen. If the parent neglect this duty, the State ought to, and in the case of the rich, does, step in and see that the duty thus neglected shall be performed. But say, one class of objectors, this is an arbitrary interference with the rights of the parent; it is making the State despotic, and robbing the people of freedom. I ask, Sir, in the first place, if it rob the people of rational freedom? We every day coerce the people by laws, and rob them of freedom. We rob them of the freedom of killing their children;

we rob them of the freedom of brutally treating their children—and the Magistrate can by fine and imprisonment punish any parent who thus maltreats his offspring; and shall it be said that he ought not to interfere in the far more important case of continuous neglect of the child's best interests, in his most vital concerns? He (the parent) is not permitted to give his child a cruel beating, but he may, according to this class of reasoners, consign him without let or hindrance, to a degrading and dangerous ignorance. He may render him a curse to himself, and a nuisance to society at large. This appears to me a childish adherence to a name—a fatal disregard of the necessary limits, which prudence every day compels society to put upon the freedom of its Members. Freedom in itself is not a good thing—it is only good when it leads to good—if it lead to evil, it must be, it is every day, restrained by the most stringent and coercing bonds. Again, Sir, I would remark, if the State or Government cannot be thus trusted—it is a proof that the Government is a bad one—if so, get rid of it, reform it, make it a good one—but in the name of all that is reasonable, do not deprive it of all means of doing good. The argument thus constantly used is a cogent one against the existing Government—it is none whatever against the proposal to intrust a good Government with the power in question. But, Sir, I must assume that the Government, by its very existence, proves itself good to this purpose. If on trial it should prove to be otherwise, we must not take away the power which must be intrusted to it, we must revise its form, and improve its responsibility. There is another objection, however, which rests on a different ground, and deserves far more attention. It is this; the State school may teach doctrines, which the parent holds to be pernicious, and he may therefore, from conscientious scruples, withhold his children from school. In answer to this, Sir, I would observe, that by the plan which I shall hereafter state, I believe much of this difficulty will be avoided. In the first place, the majority of the heads of families will determine on the subject-matter of instruction, and I have little doubt they will quickly see the impropriety of forcing, or attempting to force upon any one, opinions which they regard with disfavour. In fact, I hope, I have very great expectation, that the National Schools will thus, when intrusted to the whole people, become, in the best sense of the term, national; that the subject-matter of instruction will be made to

include such matters, and such matters only, as will be in accordance with the whole of the people. With the permission of the House, I would here read a passage from the law of Prussia on this head, which conveys a useful lesson to all people:—‘Difference of religion in Christian schools, necessarily produces differences in religious instruction. This instruction will always accord with the spirit and dogmas of the worship to which the school belongs. But, as in every school of a Christian State, the spirit which is dominant and common to all confessions ought to be piety, and a profound respect for the Divinity, every school may receive children of another Christian worship. The masters and the superintendants ought to avoid, most carefully, every species of constraint, and everything that would give pain to the children on the subject of their peculiar worship. No school ought to abuse its opportunities, in order to promote any view of proselytism; and the children of any sect or worship differing from that of the school, ought not, either against their own wishes or those of their parents, to be compelled to attend either the religious teaching or exercises. Peculiar masters of their own sect shall be charged with their religious education; and wherever it is impossible to have as many masters as differing sects, there the parents ought with all possible care, to fulfil those duties themselves, if they desire that their children should not follow, in these particulars, the lessons of the school.’ Any people or Government pretending to the character of being civilized, would strictly adhere to these admirable instructions. In populous places also, as in even tolerant Prussia, schools of different sects might be established; and, as with them, even our moral schools might regard different professions of faith. It may be said, that however necessary may be this compulsive attendance, yet the idea to the people of England is too novel to be immediately acted on by the Legislature. I willingly admit this objection to have great weight; but, on the other hand, I ask how long would the prejudice against it live in the minds of the people, if their Representatives in the solemn exercise of their high functions, were deliberately to declare its necessity? Not a day, not an hour, if the people once believed the House of Commons really intent on the welfare of the community. And in this matter, if the law were accompanied by the careful restrictions and paternal considerations evinced by the Prussian authorities, every thinking man (and the thinking men

guide the remainder) would at once see, that a pure and exalted benevolence had presided over this legislation. The prejudice would at once fade away, and a cheerful obedience would be given to the law. It being once established, that every inhabitant was to be provided with instruction, all subsequent regulations must keep that point in view. And now, first, as to the subject-matter of instruction. Although the State determine, that every child should receive some instruction, it does not thereby declare that the instruction to all should be alike. What the quantum of instruction should be in the various cases, would have to be determined by the supervising authorities, of whom I shall hereafter speak. I need here only make the following remarks respecting it:—In infancy all children, no matter what may be their after-destination in life, require the same treatment. All that we can do in that tender age is to provide for the due development of the body, prepare the mind for culture, and lay the foundation of habits of application, and self-government and kindly sympathies. As far as regards the moral training, this age is all-important; as regards the mental, comparatively less so. But inasmuch, as all require the same moral training—that is, as in all the same class of virtues are required—so the training by which alone those virtues can be produced, ought to be extended to all. “Effort and sacrifice,” profoundly observes Professor Cousin, “Voilà les conditions pour savoir quelque chose, et pour être honnête: déguiser à l’enforcé [l’enfance] ces conditions, c’est tromper sur la vie humaine.” When I come to speak of infant schools, I shall draw an important practical conclusion from this fact. After the age of infancy is past, and it becomes necessary to convey instruction consonant to the condition of the receiver, then we must take into consideration the necessities which that condition involves. In the present state of society, however, there are certain instruments to the acquirement of knowledge, which are deemed so to facilitate its acquirement, that to all alike these instruments are imparted—namely:—reading and writing, and the elements of numbers, which last knowledge in a certain sense, may also be considered an instrument. On this portion of instruction I would observe, that its utility depends entirely upon the facility in its employment which is obtained by the scholar. At present it seems very generally believed, that a rough sort of knowledge of reading and writing is sufficient for the poor man. This is a great—a fatal error. Whilst

reading is difficult it cannot be made a means or instrument of knowledge. The mind is absorbed by the process, its difficulties attract attention all to itself, and the subject-matter is necessarily passed over. Any one may judge of this in his own case by reading a foreign language. Let any one not conversant with Latin, for example, read a passage of Cicero. Let him, by way of experiment, see what he can make of the distinction contained in the essay *De Divinatione* and if the person so making the experiment, be not master of the language he will quickly see how hopeless will be his attempt to direct his attention to the subject-matter of the essay. So with reading in our own language; the process must be one so easy and familiar, that we must not regard it, otherwise we shall vainly hope to make it an instrument of knowledge. This is a much more important point than persons not accustomed to reflect on the business would readily admit. It is, in fact, the foundation stone—if it be not thoroughly secure at first, all future additions will be useless. And the practical conclusion is, that if we do really undertake the instruction of the people the most complete use and facility in the exercise of these important instruments should most religiously be imparted. The next point regarding the subject-matter of instruction to which I shall advert, is the variety of instruction, or, in other words, the differing sorts, differing in consequence of the different destinations of the scholars. All that I have hitherto spoken of may be called "Primary Instruction," and should be alike in all. The forming the mental powers for the reception of knowledge, and moral powers to fulfil the duties of life—the imparting a perfect facility as to the instruments of knowledge—so far education is the same for the rich and the poor—the ploughman and the philosopher—the maker of pins and the maker of laws. When actual knowledge beyond this comes to be imparted, then comes a consideration of the future destination of the scholar. Any comprehensive system of education would contemplate and include all classes, and for that purpose a series of schools would be adopted rising from infant schools to the all comprehensive university. But in the present state of the public mind, this is more than I dare contemplate. However imperfect the scheme—however reluctant I may be, I must force myself, at present, only to consider the immediate education of the mass of the people. I cannot, however, avoid making one remark on this topic. No education of the mass

will be anything approximating to perfection, while that of the higher classes of scholars is imperfect. The infant school will never be properly conducted while the University is imperfect. Reading will never be properly taught while philosophers are wandering in ignorance. Every portion of the whole great scheme of education is intimately bound together—and all are necessarily associated with the every day business of life. The patient thinking of the solitary student, neglected though he be, his name unknown, his influence around him being nought, will often win its way into the world, and certainly, though silently, change the destinies of mighty nations. It is he who fashions the thoughts and feelings of the multitude, though they know him not. How little consonant then is it with ordinary prudence in the Legislature of a civilized people to neglect the institutions by which these guiding minds are fashioned and directed! But, Sir, I quit this subject with reluctance certainly; but under the painful conviction that any attempt of mine would be useless regarding it. I shall confine myself to the consideration of the instruction of the mass of the population—namely, the poor, and the formation of their teachers. The first distinction that suggests itself, is that of sex. Men and women have very different offices to perform in life, and therefore require very different sorts of knowledge. As a striking proof of the necessity of instruction on the part of the women of the poorer classes, I will refer to the evidence of one, who, from personal experience, thoroughly understands the subject on which he is speaking—I mean Mr Rowland Detrosier. In perfect agreement with these remarks, has been the conduct, I hear, of that noble Lady, the Grand Duchess of Saxe Weimar:—“*Mad. la Grande Duchesse, vient d'établir à Weimar une école speciale pour les filles pauvres, où on leur apprend à devenir des bonnes ménagères.*” As respects the boys, they should be taught their various trades; and from experiments made in America, we see that their labour might contribute materially to their own maintenance, and the furtherance of their own education. These schools of industry might be made a blessing to the nation at large. There is one portion of instruction to which I feel compelled to advert, although by so doing I fear I may incur displeasure. I hold indispensable, both as regards the well-being of the State, and of the individual himself, that every man should receive a good political education. Let me explain what I mean by political education. He

should be made acquainted with the circumstances on which his happiness as a member of society is necessarily dependent; and also he should know the general principles of the Government under which he lives. For example, for the well-being of the mass of labourers it is essential that each should know what circumstances govern the rate of wages. If this had been understood, does any one believe that we should have had "Combination Laws" on the one hand, or combinations on the other? Can any one believe that an enraged, because badly-paid population, would then have burned ricks, in order to raise wages? Or that we should see unhappy, and futile attempts at strikes? Knowing on what the rate of wages really depended, the enlightened labourer would have pursued the only mode by which that rate can be increased. He would have done it peaceably, but certainly. Neither will I attempt to disguise from this House my opinion that good government can only be obtained by instructing the people; as I have already asserted, any one who will look before him must see the growing political importance of the mass of the population. They will have power. In a very short time they will be paramount. I wish them to be enlightened, in order that they may use that power well which they will inevitably obtain. I now pass to the second portion of the plan, which I have called the machinery by which the instruction is to be imparted. This machinery is of threefold nature: 1st, schools; 2nd, masters; 3rd, money, whether acquired by taxes or otherwise. The schools which I contemplate (since, as I have already observed, my plan is confined to the education of the poor) are of three separate classes:—1st, Infant Schools; 2nd, Schools of Industry; and 3rd, Normal Schools, or schools for the instruction of masters; separately for boys and girls. As the purpose is to educate everybody, there ought to be in every parish in the kingdom at least one infant school, and one school of industry, and this without any exception. As the law would be imperative in demanding the presence of the children, justice would demand that the schools should be placed within their reach. In all cases where the size of the parish demanded a greater number of schools, more than one would be erected. Many expedients I have heard mentioned, by which the richer classes might be brought into intimate and affectionate union with the poorer. In every part of England, London, perhaps, only excepted, this might effectually be done by sending the children of both classes to the

same school; for example, to an infant school. By my supposition this school would be regulated according to the highest state of knowledge now existing respecting the rearing and education of infants; and if the children of the tradesman and gentleman were sent (not by compulsion, but voluntarily) to the school at which the poor cotter's child was taught, much real benefit would be conferred on the last, and no slight good reaped by the former. The more educated mothers would anxiously watch after their own offspring, and thus, in reality, preside over the well-being of the others. A more forcible, and yet gentle bond of sympathy could hardly be imagined than the one here supposed. It may be thought that I am trusting too much to my imagination, and conjuring up a picture which no reality can sanction. Happy am I to be able to say, that experience really bears out what I say. In Massachusetts the national schools are so admirably conducted, that the children of all classes receive their instruction from them; and I really can see no reason why ours should not be equally efficient. I must observe, that if our infant schools were not so conducted, as regards cleanliness, the manner and matter of instruction, as to be fitted for the richest amongst us, then they would not have reached that point at which I aim. If they did, I am inclined to think, that if we were a reasonable people, they would soon supersede all others. The schools of industry would have two objects in view—first, the imparting of what may be termed scholarship; and, secondly, the knowledge of some trade. I would have these two objects connected, because thereby time might be saved, and much knowledge gained with pleasure instead of pain. When speaking of what I have termed scholarship, I would by no means have it supposed that I would confine it to mere reading, writing, and the elements of numbers. Most deeply do I feel the importance of imparting to every human being the inexhaustible fund of enjoyment derived from intellectual pleasures. Ask a man who has once learned to derive pleasure from these pure sources, what power he prizes above all others, that which he would sell for no price, the deprivation of which would render life a blank, and existence a burthen, and he would unhesitatingly answer, the means of mental enjoyments. I speak not in the language of boasting, or of exaggerating rhetoric, when I declare, that from the perennial fountain, the poor man may draw a draught that will cheer him over the rugged path of his life;

that possessed of this, he will envy no man his possessions; though poor, he will not feel his want of riches; it will arm him against sorrow, and teach him to bear up against affliction. To rob human life of woe is impossible, but that which most effectually soothes the wounds and stings which hard fortune inflicts, which will multiply, and enhance the pleasures which cross us in our path through life, is assuredly the godlike attribute of deriving pleasure from intellectual sources. This being my opinion, and I speak from the teaching of experience, I would not curtail the instruction which should be imparted to the poor man. There is one limit which his lot affixes. It is his fate that he labours for the means of his actual being. But I would intreat the legislator, who has to fix what this should be, to stretch to the utmost boundary which prudence will permit. Besides mere scholarship, I would give such knowledge as would create a taste for art, and above all, as a cheap means of recreation, one which every poor man can attain, and also, as a powerful means of softening and exalting the character, music and singing should be made, as in Germany, an invariable portion of instruction. Added to this, such portions of natural history, and of the nature of our own physical system, as would enable the people generally to understand the ordinary phenomena of nature, and to preserve their health. This, with the careful watching of their moral character, and the communicating a general knowledge of our Government and other institutions, with such portions of political economy as regarded their condition, would be the object of the schools of industry. The ages to which they should be limited would be from seven to fourteen. In the towns, however, another class of schools might be established, to contribute to the instruction of persons above fourteen, who might have leisure from their employment during the evening, Sundays, or holidays. Such schools would be of immense service, preventing idle habits, and low and debauching pleasures from arising among the youths in the towns. Of the Normal schools I will speak in conjunction with the next subject, viz. masters. The great object of these schools would be to create masters for the national schools, and unless great care and diligence were employed in the early formation of these masters, little could be expected from a national education. Such young men as determined on the vocation of a teacher, would, upon having made at the school of industry certain advances in scholarship, be

received by the Normal school upon examination: and on having gone through the various stages of those schools, which would occupy their time till they reached the age of twenty, they would receive a certificate constituting them teachers of national schools. The course of instruction at these Normal schools I need not touch on, as it would necessarily require great consideration, and would not be determined on without the most grave and deliberate inquiry. The certificate obtained by any young man would greatly aid him when candidate for the office of teacher. Such a proof of merit would have most weight with the people, and I would leave it open to any one to apply for it, on examination, whether he had gone through the Normal school or not. But as the inquiry would extend over his whole life, in order to learn his moral as well as mental character, the certificate would not be too easily obtained. These masters, when chosen by the people, would become an order of the State endowed with a great trust, which, if fulfilling that trust with fidelity, would render them worthy of the highest respect and consideration of the people. The certificate conferring a profession on the teacher, he would be liable to lose it on forfeiting the title of a moral man. In certain cases to be specified, he would lose his certificate, and thus be degraded from his office. If the old age of any public functionary ought to be guarded against the assaults of want, it would be that of a faithful teacher of the people. I come now to speak, Sir, of the money, or means by which these various schools should be maintained. In the first place, all persons capable of paying ought to pay. The authority which shall determine who can, who cannot pay, I shall immediately speak of. If these payments should not prove sufficient, and in very few cases would they be so, a general tax must be laid on the people to that end. If, indeed, the private contributions, and the existing funds dedicated to instruction, be sufficient, I shall feel happy; but if they should not, then there should be no hesitation to lay on a tax for the purpose. And I would observe to those parsimonious legislators who would object to this, that the saving gained in the business of administering justice would quickly cover any increased expense. Does any one believe that maintaining the Millbank prison is a cheaper process than a school of some hundred children? On [? Or] putting the same question in a different form, would it not have been cheaper to have the men, when boys, industrious and honest, than to attempt

that process now that they are men, and confirmed thieves? If, however, it should be supposed that, in spite of the improvement of the people, there would yet be an increase of expenditure, I would suggest the expediency of saving the surplus out of any service rather than from that of public instruction. I would point to any and every branch of the Government before this. The Army, the Navy, the diplomatic service, the Home Government, in short, I would curtail every officer in the State from the highest to the lowest, rather than be parsimonious on this most important of all the services of the State. I must here leave the subject of money. I have now arrived at the last subject on which I shall touch; which subject, as ill fortune has determined, is the most delicate point of all—that on which differences of opinion are most likely to arise, and heats and animosities to have place; I mean the subject of the governing authority, by which the whole system of national education should be regulated. In this, as in the other matters, I will be perfectly explicit, and at once state what I deem necessary to the good government of these schools. The machinery of my government would be simple—first, there would be the people acting as electors. I should wish that the head of every family should possess a voice; but if this should be considered too democratic, why then every person who contributed towards the funds by which the schools would be maintained, should be endowed with this privilege. The whole country should then be divided into school districts, in each of which there should at least be one school. In the government of the school or schools of each school district, the people having the privilege of voting, should elect every year five persons who would be called, say the School Committee; and it should be their business to select and dismiss the master; to supervise the school, and, in the last resort, to determine on the instruction that should be then afforded. Being fairly chosen by the people, it may justly be supposed, that they would represent their opinions; and being selected from a large number of persons, they would, probably, indeed certainly, be among the most instructed persons of the community. Without this, or some other mode were adopted, of making the people the guardians of their children's instruction, there would be, and justly too, eternal discontent throughout the community. Any attempt to throw the power into the hands of the Magistracy, would utterly ruin any scheme that could be devised. Besides these com-

mittees in every school district, I would have one other officer, and he should be among the highest in the State, indeed, a member of the Cabinet; and whatever might be his name, he, in fact, would have to fulfil the functions of the minister of public instruction. The business of his office would be a general supervision of all the national schools in the kingdom. He would have to determine, on the application of the school committees, what extra schools should be built. He would apportion the sum of money to be given to each district, for masters, for books, and repairs, and a hundred other things. Besides this, the Normal schools would be wholly under his control, and he would have to select for himself, and on his own responsibility, the masters and governors of each. In addition to these duties (and it will be understood that I am only giving a rough sketch of what those duties would be), in his character of general supervisor of schools, it would be his duty to make suggestions as to improved modes of teaching, and as to subjects that might be taught. Suggestions coming from a Minister of his high station would always have great weight, so that, by care and industry, he might materially and constantly improve the whole system of education. In furtherance of the same end, also, it would be a very important part of his duty to watch over the composition of books of instruction. The vital importance and great difficulty of this task can only be duly appreciated by those who have paid great and minute attention to the subject of education. The composition of books for the education of mere children is one of the most difficult portions of art. On this point M. Cousin well remarks, when touching on this matter :—"Je ne reprocherais M. le Ministre, de ne pas appeler quelques instans de votre attention sur les livres qui sont employés dans les écoles populaires, de diverse importance en Saxe Weimar. *Rien n'est plus difficile* à bien faire que de pareils livres, et le défaut d'ouvrages convenables en ce genre est une des grands plaies de l'instruction populaire en France." It may be said to be so of all instruction whatever in England; and no Minister could perform a greater service for his countrymen than by providing for the composition of works adequate to the business of instruction. Further into the details of my plan I need not now enter. All these matters must necessarily be made the subject of very close and careful inquiry, over which, it is to be hoped, wisdom will preside, unswayed by passion, prejudice, or partial interests. I have now, Sir, gone through

the whole of this very dry and unamusing detail, and have performed, to the best of my ability, the onerous task I had proposed to myself. The subject itself is not attractive; and it has, I fear, been rendered still less so in consequence of the inadequate ability of him who has brought it before you. I cannot, however, quit this subject, and leave it in the hands of the House to be dealt with according to their judgments, without appealing to them with the most unfeigned and deep anxiety, to weigh well, and without the bias of any party feeling, the great question which is now before them. They are not now to determine upon any minute portion of the general welfare, but upon the whole of the multitudinous interests of this mighty empire. They are called upon, in their high character of legislators, to determine on the future destinies of many millions yet unborn; and to say whether their happiness shall be left to the caprices of chance, or be fostered, guarded, and directed, by the paternal care of a wise and benevolent Government. You have this day to declare whether the Legislature of England is imbued with the spirit—whether it possesses the character and feeling—which should distinguish the rulers of an enlightened and generous people; whether we are anxious for the welfare of all, however lowly, and solicitous to provide for the well-being of the most helpless classes amongst us. Perhaps, I may be permitted to observe (and I do so without any intention of manifesting disrespect for this House) that we have not, perhaps, a body of legislators who could have satisfied the expectations that are formed respecting us. There is but too generally received an opinion, that we are not solicitous concerning the well-being of the mass of the population—of the poorer classes—but that all our acts and determinations result from personal, or certainly from partial, considerations. The most effectual answer that we could give to such statements, the most powerful means we could employ to regain our place in the affections of the people, would be to prove to them, by passing the Resolutions which I shall immediately read, that we are alive to their dearest interests, and that we have determined industriously to forward them by the most effectual mode which our judgment can devise. If we do this, we may be regardless of all hasty and partial declarations concerning our motives and our conduct. A patient and thoughtful people, such as the people of this country, will truly appreciate the benefit conferred on them by this beneficent determination, and bestow on

us a reward that the proudest would gladly receive—a grateful nation's heartfelt and affectionate approbation.—The hon. Gentleman concluded, by reading the following Resolution:—"That this House, deeply impressed with the necessity of providing for a due education of the people at large; and believing, that to this end the aid and care of the State are absolutely needed, will, early during the next Session of Parliament, proceed to devise a means for the universal and national education of the whole people."



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